

**WARRICK COUNTY, INDIANA
CODE OF ORDINANCES**

ADOPTING ORDINANCES

ORDINANCE NUMBER 1999-12

WARRICK COUNTY COMMISSIONERS

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the County of Warrick supplement to the Code of Ordinances of Warrick County, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this County; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the County Commissioners to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the County and for the immediate preservation of the public peace, health, safety and general welfare of the County that this ordinance take effect immediately;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, as follows:

Section 1. That the supplement to the Code of Ordinances of the County of Warrick as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the County Commissioners and the County Auditor is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Auditor.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this

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municipality, and shall take effect immediately.

Passed this 26th day of July, 1999.

BOARD OF COMMISSIONERS OF WARRICK COUNTY INDIANA

W. David Rector /s/

W. David Rector, President

Larry Barr /s/

Larry Barr, Commissioner

Jack Pike /s/

Jack Pike, Commissioner

ATTEST:

Richard I. Kixmiller /s/

Richard Kixmiller, Auditor

ORDINANCE NUMBER 2000-19

WARRICK COUNTY COMMISSIONERS

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the County of Warrick supplement to the Code of Ordinances of Warrick County, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this County; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the County Commissioners to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the County and for

American Legal Publishing Corporation

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the immediate preservation of the public peace, health, safety and general welfare of the County that this ordinance take effect immediately;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, as follows:

Section 1. That the supplement to the Code of Ordinances of the County of Warrick as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the County Commissioners and the County Auditor is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Auditor.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect immediately.

Passed this 13th day of September, 2000.

BOARD OF COMMISSIONERS OF WARRICK COUNTY INDIANA

W. David Rector /s/

W. David Rector, President

Larry Barr /s/

Larry Barr, Commissioner

Jack Pike /s/

Jack Pike, Commissioner

ATTEST:

Richard I. Kixmiller /s/

Richard Kixmiller, Auditor

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

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| 10.01 | Title of code |
| 10.02 | Interpretation |
| 10.03 | Application to future ordinances |
| 10.04 | Construction of code |
| 10.05 | Rules of interpretation; definitions |
| 10.06 | Severability |
| 10.07 | Reference to other sections |
| 10.08 | Reference to offices; name designations |
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| 10.11 | Repeal or modification of code section |
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| 10.15 | Section histories; statutory references |
| 10.16 | Preservation of penalties, offenses, rights and liabilities |
| 10.99 | General penalty |

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the County of Warrick shall be designated as the Code of Warrick County and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CONSTRUCTION OF CODE.

(A) This code is a codification of previously existing laws, amendments thereto, and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or subsection.

(E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(F) All references within a section of this code to any section of previously existing law refer to the new code numbers assigned to that law.

(G) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters or sections of this code, as originally enacted, or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only, and do not affect the meaning, application, or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only, and is not a part of the section.

(H) All references to any section of this code refer to all subsequent amendments to

that section, unless otherwise provided.

(I.C. 1-1-1-5)

§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.

(A) *Rules of interpretation.* This code shall be construed by the following rules unless such construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary, and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of such persons, unless otherwise declared in the section giving such authority.

(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(B) *Definitions.* For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF COMMISSIONERS. The Board of County Commissioners.

CLERK. The Clerk of the County.

COUNCIL. The County Council.

COUNTY. Warrick County, Indiana.

HIGHWAY. Includes bridges, roads, and streets, unless otherwise expressly provided.

MONTH. One calendar month.

POLICE DEPARTMENT. The Police Department of the county.

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PRECEDING and ***FOLLOWING***. When referring to sections or divisions in this code, refer to the sections or divisions next following or next preceding that in which the words occur, unless some other section is designated.

WRITTEN and ***IN WRITING***. Include printing, lithographing, or other modes of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person, or the person's mark.

YEAR. One calendar year, unless otherwise expressly provided.

(I.C. 1-1-4-5)

§ 10.06 SEVERABILITY.

(A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a nonseverability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.

(I.C. 1-1-1-8)

§ 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in one section, reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or

revision.

§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.

(A) *Reference to offices.* Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) *Name designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties, or liabilities placed with that entity are or were transferred to a different entity; then such named board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity, or the entity to which such duties, liabilities, powers, and rights were transferred. (I.C. 1-1-6-1)

§ 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.10 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed

by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not reviewed unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture, or liability incurred under such section, unless the repealing section so expressly provides. Such section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

(I.C. 1-1-5-1)

§ 10.12 LIMITATION PERIODS.

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this code shall not be affected by the repeal and reenactment; but all suits, proceedings, and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.

Statutory reference:

Periods of limitation, see I.C. 1-1-1-7

§ 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this

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code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (I.C. 36-5-2-2) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This county shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see I.C. 5-14-3-1 et seq.

§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures

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shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway right-of-ways, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Statutory reference:

Power to prescribe fines up to \$2,500

granted, see I.C. 36-1-3-8(a)(10)

TITLE III: ADMINISTRATION

Chapter

- 30. BOARD OF COMMISSIONERS; COUNTY COUNCIL**
- 31. PUBLIC OFFICIALS AND EMPLOYEES**
- 32. SHERIFF'S DEPARTMENT**
- 33. OTHER DEPARTMENTS, COUNCILS AND COMMITTEES**
- 34. ELECTIONS AND VOTING**
- 35. EMERGENCY MANAGEMENT**
- 36. TAXATION**
- 37. FUNDS AND FEES**
- 38. COUNTY CORRECTIONAL FACILITY**
- 39. COUNTY POLICY**

40. FIXED ASSET CAPITALIZATION POLICY

APPENDIX A: FIXED ASSET NOTIFICATION FORM

CHAPTER 30: BOARD OF COMMISSIONERS; COUNTY COUNCIL

Section

Board of Commissioners

- 30.01 County Commissioner districts
- 30.02 Full time commissioner
- 30.03 Communications specifications

County Council

- 30.15 County Council districts

BOARD OF COMMISSIONERS

§ 30.01 COUNTY COMMISSIONER DISTRICTS.

The districts for the County Commissioners shall be as follows:

- (A) District 1 shall be comprised of all precincts of Anderson and Ohio Townships.
- (B) District 2 shall be comprised of all precincts of Boon, Campbell, and Greer Townships.
- (C) District 3 shall be comprised of all precincts of Hart, Lane, Owen, Pigeon and Skelton Townships.

(BC Ord. 1991-13, passed - -91; Am. BC Ord. 2013-30, passed 12-9-13)

§ 30.02 FULL TIME COMMISSIONER.

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(A) One of the members of the Board of Commissioners, selected by the Board of Commissioners, shall serve in a full time capacity.

(B) The selection of the member to serve as a full time Commissioner shall be made annually for a term of one year at the reorganization meeting of the County Commissioners held in January of each year.

(C) The selection and appointment of a full time Commissioner shall be with the agreement and consent of the person so selected.

(D) The selection and appointment of a full time Commissioner shall be contingent upon the approval of an appropriate salary for said position from the Common Council.

(E) There is no restriction on the number of one year terms that a Commissioner may occupy the position as a full time Commissioner.

(F) The individual filling the position as a full time Commissioner may terminate his full time status upon written notice to the Commissioners and upon said notice being presented to the County Auditor.

(BC Res. 1986-4, passed 7-7-86)

§ 30.03 COMMUNICATIONS SPECIFICATIONS.

The communications specifications adopted by the Board of Commissioners on May 11, 1984, are hereby adopted by reference and made a part of this code as if set forth in full herein.

(BC Ord. passed 5-11-84)

COUNTY COUNCIL

§ 30.15 COUNTY COUNCIL DISTRICTS.

(A) District 1 shall be comprised of the following precincts in Ohio Township: 1, 3, 4, 10, 11, 15, 16, 17, 19, 20, 22, 27, 28, 32.

(B) District 2 shall be comprised of the following precincts: Campbell; Greer 1; and Ohio precincts 2, 6, 8, 9, 12, 13, 21, 23, 29, 30, 31.

(C) District 3 shall be comprised of the following precincts: Anderson (being all of

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Anderson Township); Boon precincts 1, 2, 3, 4, 5, 7, 10, 15; Ohio precincts 5, 18, 24, 25, 26, 33.

(D) District 4 shall be comprised of the following precincts: Boon precincts 6, 8, 9, 11, 12, 13, 14; Greer 2; Hart precincts 1 and 2; Lane (being all of Lane Township); Owen (being all of Owen Township); Ohio precincts 7 and 14; Pigeon (being all of Pigeon Township); Skelton precincts 1 and 2.

(E) The remaining members of the Warrick County Council shall be "at large districts" and shall be elected by the voters of the whole county pursuant to I.C. 36-2-3-4(a).

(BC Ord. 1994-1, passed 1-1-94; Am. BC Ord. 2013-30, passed 12-9-13)

CHAPTER 31: PUBLIC OFFICIALS AND EMPLOYEES

Section

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|-------|---|
| 31.01 | Regular business hours for county offices |
| 31.02 | Membership in state-wide associations |
| 31.03 | Mileage reimbursement for county employees |
| 31.04 | Per diem rates for meals and lodging for county employees |
| 31.05 | Money for travel and entertainment in certain circumstances |
| 31.06 | Public Employees Retirement Fund |
| 31.07 | Medical Insurance for Retired County Employees |
| 31.08 | Purchasing |
| 31.09 | Employee Handbook amendments |
| 31.10 | Disclosure of contracts with relatives |
| 31.11 | Nepotism prohibited |
| 31.12 | Cell phone usage |
| 31.99 | Penalty |

§ 31.01 REGULAR BUSINESS HOURS FOR COUNTY OFFICES.

(A) *Establishment of regular business hours.*

(1) Each county office maintained for the transaction of business with the public or with other county offices shall be kept open for the transaction of such business at least each week, Monday through Friday, inclusive, between the hours of 8:00 a.m. and 4:00 p.m.,

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prevailing local time.

(2) The Board of Commissioners shall annually establish a schedule of holidays during which each county office may be closed.

(3) Those offices with only one full time, regular employee or no employees in addition to the elected office holder may be closed during a lunch break not exceeding 12:00 noon until 1:00 p.m. of each day providing notice of such closing is posted in a conspicuous place near the public entrance to said office.

(4) It shall be the duty of the elected office holder in elected offices and the appointed superior in appointed offices to ensure compliance with this section.

(B) *County offices excluded from this section.*

(1) The County Circuit Court; The County Superior Court; the County Prosecuting Attorney and those offices funded through the budgets of those respective offices; the County Department of Public Welfare; the County Emergency Medical Service; the County Sheriff's office; the County Landfill; the County Highway Department; and the County Agriculture Stabilization Conservation Service are excluded from the provisions of this section.

(2) Commissioners may by resolution exempt other offices from the terms of this section or establish different hours of operation in accordance with the individual needs of those respective offices.

(C) *Injunction proceedings.*

(1) The Board of Commissioners may institute a suit for injunction in the circuit or superior courts of the county to restrain an individual from violating the provisions of this section.

(2) In the event the Board of Commissioners is successful in its suit for injunction herein, the defendant shall bear the costs of the action.

(BC Ord. CO-1982-1, passed 10-15-82; Am. BC Ord. 2009-01, passed 1-1-09; Am. BC Ord. 2009-30, passed 12-28-09) Penalty, see § 31.99

§ 31.02 MEMBERSHIP IN STATE-WIDE ASSOCIATIONS.

(A) The County Auditor, County Assessor, County Treasurer, County Recorder, County Circuit and Superior Courts Clerk, County Surveyor, County Council, Board of Commissioners, County Area Planning Commission members and employees, the Director and employees of the County Department of Public Welfare and the County Prosecuting Attorney

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and his employees are authorized to join state-wide associations of like elected officials and public servants.

(B) Said office holders and public servants are hereby authorized to submit claims to the county for the payment of all dues and assessments to offset the costs of operation of said association upon a proper appropriation of funds for the payment of the same in the respective budgets.

(BC Ord. 1985-7, passed 2-4-85)

§ 31.03 MILEAGE REIMBURSEMENT FOR COUNTY EMPLOYEES.

County employees who have been authorized to use their personal vehicles for county business shall be reimbursed at a rate of \$0.44 per mile.

(CC Ord. 1988-1, passed 2-11-88; CC Ord. 2001-04, passed 9-6-01; CC Ord. 2004-02, passed 2-5-04; CC Ord. 2005-01, passed 11-3-05; CC Ord. 2008-04, passed 9-4-08)

§ 31.04 PER DIEM RATES FOR MEALS AND LODGING FOR COUNTY EMPLOYEES.

(A) Approved business for the county shall mean that those trips that are taken by the elected office holder as in his or her discretion would deem appropriate and necessary for the conduct of his business and travel by any other employee approved by the elected office holders by whom said employee is employed.

(B) The county shall reimburse any employee or elected official on approved county business the single room government rate or a less costly rate for the establishment at which the individual spends the night not to exceed \$150 per night. Receipts must be provided to process room or hotel reimbursement requests.

(C) When an employee or elected official stays overnight on travel for approved county business, that employee shall be reimbursed for actual meal expenses not to exceed \$45 per day. Receipts for meal expenses must be submitted for meal reimbursement claims. Provided, however, that no meal reimbursement shall be allowed unless the employee or elected official's travel includes an overnight stay.

(CC Ord. 1989-7, passed 11-7-89; Am. BC Ord. 2009-27, passed 11-23-09; Am. BC Ord. 2011-06, passed 2-14-11)

§ 31.05 MONEY FOR TRAVEL AND ENTERTAINMENT IN CERTAIN CIRCUMSTANCES.

(A) Upon prior express approval of the Board of Commissioners, employees of the county may incur expenses for transportation, meals and lodging of individuals who are not county employees for purposes as set forth hereinabove or related purposes.

(B) In order to obtain approval of the Board of Commissioners, said employee requesting authority to incur such expenditures shall first present said request to the Board of Commissioners in open meeting, either regular or special called meeting, for review and determination.

(BC Ord. 1989-21, passed 11-6-89)

§ 31.06 PUBLIC EMPLOYEES RETIREMENT FUND.

(A) The County Council elects to become a participant in the Public Employees Retirement Fund as established by I.C. 5-10.3-1 et seq.

(B) The County Council agrees to make the required contributions under the Public Employees Retirement Fund Act, I.C. 5-10.1-1-1 et seq.

(C) The following are declared to be covered by the Fund: elected officials, all salaried and full time hourly employees.

(D) None of the classifications or positions specified in division (C) above are compensated on a fee basis or of an emergency nature, or in a part-time category.

(CC Res. passed 6-10-75)

§ 31.07 MEDICAL INSURANCE FOR RETIRED COUNTY EMPLOYEES.

(A) Any person, who has qualified for and obtained retirement status for service rendered to the county, and shall have been a full-time employee of the county for a minimum of 15 years shall be entitled to obtain and extend coverage from medical insurance policies which are in effect with the county, for the retiree and spouse so long as the retiree or spouse shall pay 50% of the COBRA premiums for coverage of the retiree and spouse.

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(B) Any person, who has qualified for and obtained retirement status for service rendered to the county, and shall have been a full-time employee of the county for a minimum of 20 years shall be entitled to obtain and extend coverage from medical insurance policies which are in effect with the county, for the retiree and spouse so long as the retiree or spouse shall pay 25% of the COBRA premiums for coverage of the retiree and/or spouse.

(C) Any person, who has qualified for and obtained retirement status for service rendered to the county, and shall have been a full-time employee of the county for a minimum of 25 years shall be entitled to obtain and extend coverage from medical insurance policies which are in effect with the county, for the retiree and spouse so long as the retiree or spouse shall pay 15% of the COBRA premiums incurred by the county for coverage of the retiree and/or spouse.

(D) Any person, who has qualified for and obtained retirement status for service rendered to the county, and shall have been a full-time employee of the county for a minimum of 30 years shall be entitled to obtain and extend coverage from medical insurance policies which are in effect with the county, for the retiree and spouse so long as the retiree or spouse shall pay 10% of the COBRA premiums for coverage of the retiree and spouse.

(E) For the purposes of division (A) through (D), the phrase "COBRA premiums" shall be defined as the COBRA premium as established by the third party administrator or the county's insurance agent; for example, if the total cost or COBRA premium for the county to provide insurance to a retiree and/or his or her qualified dependents under division (A) is \$500 per month following the retiree's retirement, the retiree shall pay \$250 per month to extend the insurance coverage.

(F) (1) A person is qualified for retirement status under divisions (A) through (E) of this section if, on the date of retirement, such person is at least 55 years of age, is not eligible for Medicare, and is an active, full-time employee of the county as of the date of the retirement.

(2) A person is qualified for retirement status under divisions (A) through (E) of this section if, on the date of retirement, the person is at least 50 years of age, is not eligible for Medicare, and is an active, full-time law enforcement merit employee of the county as of the date of retirement.

(G) When the retiree attains the age of 65 years or the spouse, if applicable, attains the age of 65 years, the medical insurance coverage shall be converted to a Medicare supplement plan which is in effect between the county, and a private insurer. The portion of the premium paid by the retiree, spouse and the county shall remain the same as provided in divisions (A) through (E) of this section.

(H) In the event that a retiree from the county, is divorced, then the spouse will no longer be eligible for any benefits pursuant to this section.

(I) In the event that a retiree marries after retirement the spouse shall not be eligible

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for any benefits pursuant to this section.

(J) In the event that the retiree dies, the surviving spouse who otherwise qualifies to receive insurance coverage with the county shall be eligible to retain health insurance benefits pursuant to this section so long as the surviving spouse does not:

- (1) Remarry; or
- (2) Obtain employment through an employer that provides group health insurance.

(K) To obtain retirement status under this section, a person who is qualified for retirement status shall notify the Warrick County Auditor of his or her intent to retire 60 days prior to retirement from the county.

(L) Within 15 days of receipt of notice under division (K), the Warrick County Auditor shall notify the prospective retiree as to whether he or she is qualified for retirement status as defined herein, and if such person is qualified for retirement status, shall notify that person of his or her rights relating to such coverage.

(M) Within 30 days of receipt of notice under division (L), the prospective retiree shall make application for such coverage.

(N) A spouse of a retiree who otherwise is qualified for and has obtained retirement status, shall be ineligible for continued coverage under this section if, after the retiree's retirement from the county, said spouse of a retiree obtains employment through an employer that provides group health insurance.

(O) Any retiree who shall hereafter terminate his or her insurance coverage with the county for whatever reason shall thereafter be forever ineligible to return to the county's health insurance program as provided in this section. Additionally, any spouse of a retiree who shall hereafter terminate his or her insurance coverage with the county for whatever reason including, but not limited to, obtaining group health insurance with a subsequent employer, shall thereafter be forever ineligible to return to the county's health insurance program as provided in this section.

(P) The term **WARRICK COUNTY AUDITOR** as identified under divisions (K) and (L) shall mean the Warrick County Human Resources Director so long as the position is in existence at the time of the prospective retiree's retirement date.

(CC Ord. 1998-15, passed 11-23-98; Am. BC Ord. 2002-13, passed 11-20-02; Am. BC Ord. 2009-07, passed 8-10-09; Am. BC Ord. 2012-21, passed 6-25-12; Am. BC Ord. 2014-09, passed 3-24-14; Am. BC Ord. 2014-13, passed 5-12-14)

§ 31.08 PURCHASING.

(A) The Board of Commissioners hereby determines that it is the purchasing agency for the county.

(B) The Board hereby designates the County Administrator to serve as the purchasing agent for the county.

(C) The following are the required purchasing rules for the county:

(1) Supplies manufactured in the United States shall be specified for all county purchases and shall be purchased unless the county determines that:

(a) The supplies are not manufactured in the United States in reasonably available quantities;

(b) The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(c) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(d) The purchase of supplies manufactured in the United States is not in the public interest.

(CC Ord. 1998-6 and 1998-7, passed 6-22-98)

§ 31.09 EMPLOYEE HANDBOOK AMENDMENTS.

The county shall charge any person who qualifies under § 4.14 of the *Employee Handbook to Benefits Continuation* following termination, resignation, death, reduction in the employees hours or a leave of absence, an employee's death or legal separation and a dependent child who no longer meets eligibility requirements or any other qualifying event which permits such a person to continue health coverage to pay in addition to the employer's group rate an administration fee of 2% of the group rate for the continued coverage.

(CC Res. 2001-08, passed 9-12-01)

§ 31.10 DISCLOSURE OF CONTRACTS WITH RELATIVES.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ELECTED OFFICIAL. A County Commissioner or County Council member.

RELATIVE. Any of the following: spouse, parent or stepparent, a child or stepchild, brother, sister, stepbrother or stepsister, a niece or nephew, an aunt or uncle, or a daughter-in-law or son-in-law. An adopted child of an individual is treated as a natural child of the individual. The terms brother and sister shall include a brother or sister by half blood (a common parent).

(B) *Application to certain contracts.*

(1) The county may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this section are satisfied.

(2) Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

(C) *Disclosure of contracts with relatives.*

(1) An elected official whose relative enters into a contract with the county shall file a full disclosure of that contract.

(2) Disclosure statement must be in writing, describe the contract or purchase to be made by the county, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

(3) Disclosure statement must be submitted to the Board of County Commissioners (County Council in Lake, St. Joseph and Marion Counties) and be accepted by the Board (Council) in a public meeting prior to final action on the contract or purchase.

(4) Disclosure statement must be filed not later than 15 days after final action on the contract or purchase with the State Board of Accounts, and the Warrick County Clerk of the Circuit Court.

(D) *Actions by Board of Commissioners or appropriate agency.* The Board of County Commissioners or an appropriate agency of the county designated by the Board of County Commissioners shall make a certified statement that the contract amount or purchase price was

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the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected.

(E) *Certification by elected officers of the county.* Each elected officer of the county shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this section. An elected officer shall submit the certification to the Board of County Commissioners not later than December 31 of each year.

(BC Res. 2012-08, passed 6-11-12)

§ 31.11 NEPOTISM PROHIBITED.

(A) *Definitions.* The following definitions shall apply in the interpretation and the enforcement of this section.

DIRECT LINE OF SUPERVISION. An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the County Council or Board of County Commissioners to make decisions regarding salary ordinances, budgets or personnel policies of the county.

EMPLOYED. An individual who is employed by the county on a full time, part time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the county. The performance of the duties of a precinct election officer (as defined in I.C. 3-5-2-40.1) shall not be considered employment by the county.

RELATIVE.

- (a) Any of the following:
 - 1. Spouse;
 - 2. Parent or step parent;
 - 3. A child or step child;
 - 4. Brother, sister, step brother or step sister;
 - 5. A niece or nephew;
 - 6. An aunt or uncle; or

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7. A daughter-in-law or son-in-law.

(b) An adopted child of an individual shall be treated as a natural child of the individual. The terms **BROTHER** and **SISTER** shall include a brother or sister by half blood (a common parent).

(B) *Nepotism prohibited.*

(1) Individuals who are relatives shall not be employed by the county in a position that results in one relative being in the direct line of supervision of the other relative.

(2) An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual, unless that individual is otherwise exempt under I.C. 36-1-20.2 *et seq.*

(3) This section does not abrogate or affect an employment contract with the county that an individual is a party to and is in effect on the date the individual's relative begins serving a term of an elected office of the county.

(4) This section does not apply to individuals who are employed by the county on the date the individual's relative begins serving a term of an elected office in the county and the individual is in the direct line of supervision of the newly elected official.

(5) This section does not apply to a spouse of the County Sheriff employed by the county as prison matron for the county under I.C. 36-8-10-5.

(6) This section does not apply to an individual who served as County Coroner, is currently ineligible to serve due to term limits under Article 6, § 2(b) of the State Constitution, has received certification under I.C. 36-2-14-22.3, and whose successor in the office of County Coroner is a relative.

(C) *Impact of section on those individuals employed by county on July 1, 2012.* An individual who is employed by the county on July 1, 2012, is not subject to this section unless the individual has a break in employment with the county. The following are not considered a break in employment with the county:

(1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.

(2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

(D) *Certification by elected officers of the county.* Each elected officer of the county, exclusive of judges and the County Prosecutor, shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this section. An elected officer shall submit

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the certification to the Board of County Commissioners not later than December 31 of each year.

(BC Res. 2012-07, passed 6-11-12; Am. BC Res. 2014-04, passed 2-10-14)

§ 31.12 CELL PHONE USAGE.

Cell phones, service contracts and certain usage of said cell phones shall be provided and paid for by the Commissioners for those county departments, office holders and staff that the Commissioners may approve from time to time. Basic equipment charges and cell phone services that are contracted for by the Commissioners shall be paid by the Commissioners from their annual budget. Any charges for equipment, services or other upgrades in addition to the contracted for amount shall be the sole responsibility of the department or office holder who elects such additional equipment or services.

(BC Res. 2014-10, passed 12-8-14)

§ 31.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no specific penalty is provided shall be subject to the provisions of § 10.99.

(B) (1) Any elected official in elected offices or appointed superior in appointed offices who violates § 31.01 shall, upon conviction thereof, have imposed a civil fine and be required to pay the costs of the action. The fine for the first violation shall be \$500. The fine for the second or any subsequent violation shall be \$2,500. Said penalties shall not be suspended.

(2) Each day's violation of § 31.01 shall constitute a separate offense.

(3) Jurisdiction for the enforcement of § 31.01 shall lie either with the circuit or superior courts.

(4) Actions to enforce the penalties of § 31.01 shall be brought in the name of the county and prosecuted by either the County Prosecuting Attorney or the County Attorney as directed by the Board of Commissioners.

(BC Ord. CO-1982-1, passed 10-15-82)

CHAPTER 32: SHERIFF'S DEPARTMENT

Section

- 32.01 Police reserves
- 32.02 Vehicle inspection fees
- 32.03 Sheriff's Sale Program and service fee
- 32.04 Sex and Violent Offender Administration Fund

§ 32.01 POLICE RESERVES.

(A) There is hereby established, pursuant to I.C. 36-8-3-20, the County Sheriff's Reserves, which shall be known as the Sheriff's Reserve Unit.

(B) The maximum members of said reserve unit shall be 25.

(C) The Sheriff's Department shall establish rules defining the authority of said police reserves prior to the appointment of any members to said unit.

(BC Ord. CO-1982-2, passed 12-6-82; Am. BC Ord. 2011-21, passed 9-12-11)

§ 32.02 VEHICLE INSPECTION FEES.

(A) There is hereby imposed a fee for any vehicle inspection made by the Sheriff's Department, or any member thereof, pursuant to I.C. 9-29-4-2. Such fee shall be payable by the person requesting such inspection, and it shall be paid at the time the inspection is made. Upon payment of such fee, the person making an inspection shall issue a receipt therefor.

(B) The amount of the fee established in division (A) above shall be \$5. In addition, in the event that arrangements are made for an inspection other than at the Sheriff's Department, and in the event that either the vehicle to be inspected or the person requesting such inspection is unavailable at the time and place agreed for the inspection, then the fee shall nonetheless be payable whether or not the inspection is completed. An additional fee shall be payable at any subsequent time at which the inspection is actually made.

(C) Nothing herein shall be construed to require the County Sheriff or any member of the County Sheriff's Department to travel to any location out of the county to make any such

inspection.

(D) All fees collected pursuant to this section shall be payable to the county; shall be delivered forthwith upon receipt to the office of the County Auditor; and shall be deposited by the Auditor in the County Sheriff's Department Vehicle Inspection Fund to be expended therefrom for equipment for the Sheriff's Department or Sheriff's Department personnel.

(BC Ord. 1988-10, passed 4-25-88)

§ 32.03 SHERIFF'S SALE PROGRAM AND SERVICE FEE.

(A) The Sheriff's Sale Program is approved and established to provide the procedure for the Sheriff to contract for those administrative, technical, clerical and related services that are reasonable and appropriate for the Sheriff to effectively prepare for, manage and implement foreclosure sales.

(B) The Commissioners hereby establish a fund to be titled the Sheriff's Sale Fund into which all collections of Foreclosure Costs Fees, as hereafter defined, shall be deposited and from which the appropriate expenses of the Sheriff's Sale Program shall be appropriated and paid. In consideration of the substantial amount of travel and vehicle expenses incurred by the Sheriff as part of the administration of the program, appropriate expenses of the Sheriff's Sale Program shall include expenses related to vehicle purchase and maintenance and fuel. The Sheriff's Sale Fund shall be a non-reverting fund to be used only for the purposes set forth herein and shall not revert to the County General Fund at year end.

(C) The Sheriff is authorized to negotiate and execute a contract with a provider to obtain such administrative, technical, clerical and related services (the "Sheriff's Sale Program Agreement") in order for the Sheriff to conduct the Sheriff's Sale Program.

(D) The Sheriff's Sale Program Agreement shall provide for the delivery of such services by a contractor in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff's Sale Program. The Sheriff's Sale Program Agreement shall also provide for the payment of an administrative fee pursuant to I.C. 32-29-7-3(c) and (h), not to exceed \$200 per parcel for each parcel scheduled in the Sheriff's Sale Program, to the contractor for such services.

(E) The Sheriff is hereby authorized to charge a fee of \$200 per parcel of property in the Sheriff's Sale Program and to deposit such foreclosure costs fees collected by or on behalf of the Sheriff in the Sheriff's Sale Fund.

(F) The foreclosure costs fee shall be payable at the time of filing the praecipe under I.C. 32-29-7-3(h), which shall be a charge for the Sheriff's Sale in addition to other statutory

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costs and fees.

(G) The Sheriff's Sale Program Agreement shall provide for a complete and accurate accounting of all Sheriff's Sale Program proceeds and compliance with any reporting or record requirements as set forth by the Indiana State Board of Accounts.

(BC Ord. 2005-17, passed 8-24-05; Am. BC Ord. 2012-29, passed 9-24-12)

§ 32.04 SEX AND VIOLENT OFFENDER ADMINISTRATION FUND.

(A) *Established.* Pursuant to I.C. 36-2-13-5.6, the County Board of Commissioners hereby establishes the "Warrick County Sex and Violent Offender Administration Fund." The purpose of the fund is to defray the expense of administering and/or enforcing compliance with the laws concerning the Indiana Sex and Violent Offender Registry.

(B) *Fees.*

(1) *Registration fee.* The annual fee for sex or violent offenders registering in the county shall be \$50. Payment of the fee shall be made upon the offender's initial registration in the county and subsequently on or before each annual registration date.

(2) *Change of address fee.* A fee of \$5 shall be charged and collected each time a sex or violent offender registers an address change with the County Sheriff's Office.

(C) *Payment of fees.* All fees collected under this section shall be collected by the County Sheriff's Office when a sex or violent offender registers and/or changes an address with the County Sheriff's Office.

(D) *Procedures.* All fees collected under this section by the County Sheriff's Office shall be transferred to the County Auditor in a timely manner. On a monthly basis, the County Auditor shall:

(1) Transfer and deposit 90% of any fees collected under this section into the County Sex and Violent Administration Fund; and

(2) Transfer 10% of any fees collected under this section to the state for deposit in the State Sex and Violent Offender Administration Fund under I.C. 11-8-8-21.

(BC Ord. 2015-10, passed 4-13-15)

Cross-reference:

Funds and fees, see Ch. 37

CHAPTER 33: OTHER DEPARTMENTS, COUNCILS AND COMMITTEES

Section

Department of Parks and Recreation

- 33.01 Establishment
- 33.02 Definitions
- 33.03 Composition of Board; appointment of members
- 33.04 Rules regarding appointments and terms of office
- 33.05 Compensation
- 33.06 Election of officers
- 33.07 Operation of the Board
- 33.08 Powers and duties of Board
- 33.09 Creation of Advisory Council
- 33.10 Appointment of Superintendent of Parks and Recreation
- 33.11 Appointment of assistants to the Superintendent
- 33.12 Acceptance, deposit and disbursements of gifts, donations and subsidies

Department of Redevelopment

- 33.25 Establishment; redevelopment district

Economic Development Advisory Council

- 33.35 Creation
- 33.36 Members
- 33.37 Officers
- 33.38 Funds
- 33.39 By-laws and guidelines
- 33.40 Purposes
- 33.41 Training grant program

Warrick County Court House Preservation Committee

- 33.50 Creation
- 33.51 Purpose
- 33.52 Members

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Sheriff's Merit Board

- 33.60 Membership of Merit Board
- 33.61 Restrictions on membership to Merit Board
- 33.62 Compensation for members of Merit Board
- 33.63 Positions held on Merit Board
- 33.64 Meeting requirements of Merit Board
- 33.65 Promotion of retiring sheriff
- 33.66 Disciplinary procedures
- 33.67 Exceptions to disciplinary proceedings
- 33.68 Appeal of Merit Board decision
- 33.69 Subpoena powers of Merit Board
- 33.70 Consideration of political affiliation prohibited
- 33.71 Classification of ranks of county police officers
- 33.72 Rules and regulations
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Department of Stormwater Management

- 33.80 Establishment
- 33.81 Composition
- 33.82 Terms of office
- 33.83 Compensation
- 33.84 Utility district created
- 33.85 Funding
- 33.86 Fees established
- 33.87 Budget

Cross-reference:

Construction site and post-construction site stormwater control, see Ch. 54

Illicit discharge and connection, see Ch. 53

Sheriff's Department, see § 32.01 et seq.

Stormwater management, see Ch. 52

Stormwater utility rates, see Ch. 55

DEPARTMENT OF PARKS AND RECREATION

§ 33.01 ESTABLISHMENT.

Pursuant to I.C. 36-10-3-3 (A), there is hereby established a Department of Parks and Recreation, composed of the Board of Parks and Recreation, and such other personnel as the Board shall determine.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. Board of Parks and Recreation.

COUNCIL. Advisory Council.

DEPARTMENT. Department of Parks and Recreation.

HIS. Refers to both the male and the female possessory.

SUPERINTENDENT. The Superintendent of Parks and Recreation.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.03 COMPOSITION OF BOARD; APPOINTMENT OF MEMBERS.

(A) The Board of Parks and Recreation shall be composed of five members who have been selected on the basis of their interest in and knowledge of parks and recreation.

(B) The Board shall be appointed in the following manner:

(1) The Circuit Court Judge of the county shall appoint two members, each affiliated with a different political party.

(2) The County Commissioners shall appoint one member.

(3) The County Council shall appoint two members each affiliated with a different political party.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.04 RULES REGARDING APPOINTMENTS AND TERMS OF OFFICE.

The rules regarding the appointment and terms of Parks and Recreation Board members are as follows:

(A) In initially appointing members to the Board, the appointing authorities should give special consideration to members of previous park and recreation boards, in order to provide continuity of experience and programs.

(B) An appointing authority shall make initial appointments within 90 days after the creation of the Board.

(C) Neither a municipal executive nor a member of a county fiscal body, county executive, or municipal fiscal body may serve on a Board.

(D) The terms of the members initially appointed shall be as follows:

(1) The Circuit Court Judge's appointments are for one and three years respectively.

(2) The County Commissioners' appointment is for a two-year term.

(3) The County Councils' appointments are for two- and four-year terms respectively.

(E) All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

(F) If an appointment for any term is not made by the first Monday in April, the incumbent shall serve another term.

(G) As a term expires, each new appointment is for a four-year term.

(H) If a vacancy on the Board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.05 COMPENSATION.

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The members of the Board of Parks and Recreation shall be compensated consistent with I.C. 36-10-3-9.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.06 ELECTION OF OFFICERS.

The Board of Parks and Recreation shall elect its officers in the following manner:

(A) At its first regular meeting in each year, the Board shall elect a President and a Vice-President.

(B) At its first regular meeting in each year, the Board shall select a Secretary either from within or outside its membership.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.07 OPERATION OF THE BOARD.

The Board of Parks and Recreation shall conduct its business in the following manner:

(A) All meetings of the Board are open to the public.

(B) The Board shall fix the time and place of its regular meetings. The Board shall at least meet quarterly.

(C) The Vice-President shall act as President during the President's absence or disability.

(D) A majority of the Board members constitutes a quorum. Action of the Board is not official unless it is authorized by at least three members present and acting.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.08 POWERS AND DUTIES OF BOARD.

The Board of Parks and Recreation shall have the general power to perform all acts necessary to acquire and develop sights and facilities to conduct such programs as are generally understood to be park and recreation functions. The Board's powers and duties shall include

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those listed in I.C. 36-10-3-10, 36-10-3-11 and 36-10-3-12.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.09 CREATION OF ADVISORY COUNCIL.

The Board of Parks and Recreation may create an Advisory Council in the following manner:

(A) The Council should be composed of citizens interested in parks and recreation.

(B) In selecting the Council's members, the Board shall give special consideration to the groups in the community particularly interested in parks and recreation.

(C) The Board, in its resolution creating the Council, shall specify the terms of its members and the purposes for which it is created.

(D) The Council shall conduct its business in accordance with I.C. 36-10-3-17 (C) and (D).

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.10 APPOINTMENT OF SUPERINTENDENT OF PARKS AND RECREATION.

The Board of Parks and Recreation may appoint a Superintendent of Parks and Recreation in the following manner:

(A) The Board, in selecting a Superintendent, may not consider political affiliation.

(B) The Superintendent must be qualified by training or experience in the field of parks and recreation; or, have a certification or an advanced degree in the field of parks and recreation.

(C) The Superintendent shall perform his powers and duties in accordance with I.C. 36-10-3-14.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.11 APPOINTMENT OF ASSISTANTS TO THE SUPERINTENDENT.

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The Board of Parks and Recreation may appoint assistants to the Superintendent in the following manner:

(A) If the Board determines that the size of the Department's operation requires assistants for the Superintendent, the Board, upon the recommendation of the Superintendent, may appoint one or more assistants.

(B) The Board shall use the criteria used for selecting Superintendents, when appointing assistants.

(C) Assistants are directly responsible to the Superintendent and shall perform the duties specified by the Superintendent.

(CC Ord. PB-1982-1, passed 11-18-82)

§ 33.12 ACCEPTANCE, DEPOSIT AND DISBURSEMENTS OF GIFTS, DONATIONS AND SUBSIDIES.

The Board of Parks and Recreation may accept gifts, donations and subsidies in the following manner:

(A) The gifts, donations and subsidies must be for park and recreational purposes.

(B) A gift or transfer of property to the Board may not be made without its approval.

(C) A gift or grant of money shall be deposited in a special non-reverting fund to be available for expenditure by the Board for purposes specified by the grantor.

(D) The Disbursing Officer of the Board may draw warrants against the fund only upon vouchers signed by the President and Secretary of the Board.

(CC Ord. PB-1982-1, passed 11-18-82)

DEPARTMENT OF REDEVELOPMENT

§ 33.25 ESTABLISHMENT; REDEVELOPMENT DISTRICT.

(A) The Board of Commissioners hereby establishes a Department of Redevelopment of the county. The Department will be controlled by a board of seven members known as the

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County Redevelopment Commission pursuant to I.C. 36-7-14-3(a).

(B) Pursuant to I.C. 36-7-14-3(b) all of the territory within the boundaries of the county, except that territory within a municipality that has a redevelopment commission, constitutes the taxing district to be known as the redevelopment district of the county for the purpose of levying and collecting special benefit taxes for purposes as provided in the Act. All of the taxable property within this special taxing district will be benefited by the projects carried out under the Act to the extent of the special taxes levied under the Act.

(BC Ord. 1990-27, passed 12-3-90; Am. BC Ord. 2005-14, passed 8-17-05)

ECONOMIC DEVELOPMENT ADVISORY COUNCIL

§ 33.35 CREATION.

There is hereby created a County Economic Development Advisory Council to continue forward after the expiration of Warrick County Commissioners Resolution No. 1989-10 and Warrick County Council No. 1989-2.

(BC Res. 1990-16, passed 12-3-90; Am. CC Res. 1990-1, passed 12-6-90)

§ 33.36 MEMBERS.

(A) The Economic Development Advisory Council shall consist of not more than 12 voting members and one non-voting ex officio member.

(B) The Economic Development Advisory Council (EDAC) shall be composed of voting members including the President of the Board of Commissioners, or his or her designee; and ten civilian representatives selected as follows: The five civilian members of the Warrick Redevelopment Commission, shall be appointed solely by the Board of Commissioners. Five civilian members of the EDAC shall be appointed solely by the County Council, and five civilian members of the EDAC shall be appointed solely by the Board of Commissioners. The five appointees of the Board of Commissioners, any or all, may be members of the Redevelopment Commission at the discretion of the Board of Commissioners. The attorney representing the county shall sit as a non-voting ex officio member. The terms of the civilian members of the EDAC shall be for a period of two years, commencing on January 1 and terminating on December 31 two years subsequent. The terms of the civilian members of the EDAC shall be

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staggered as follows:

(1) The five civilian members appointed by the Board of Commissioners shall commence on January 1, 2002, and terminate on December 31, 2003; and

(2) The five civilian members appointed by the County Council shall commence on January 1, 2003, and terminate on December 31, 2004.

(BC Res. 1990-16, passed 12-3-90; Am. CC Res. 1990-1, passed 12-6-90; Am. CC Res. 1998-3, passed 1-8-98; Am. BC Res. 1998-3, passed 1-12-98; Am. CC Res. 2002-01, passed 2-13-02; Am. BC Res. 2002-03, passed 2-13-02)

§ 33.37 OFFICERS.

The Economic Development Council shall select from the civilian appointed members such officers as said council shall deem, from time to time, necessary to carry out the purposes of said council as hereinafter provided.

(BC Res. 1990-16, passed 12-3-90; Am. CC Res. 1990-1, passed 12-6-90)

§ 33.38 FUNDS.

The Board of Commissioners and County Council shall establish and appropriate, in their respective roles, sufficient funds necessary as said Board of Commissioners and County Council deem appropriate for the Economic Development Advisory Council to carry out the responsibility charged to it.

(BC Res. 1990-16, passed 12-3-90; Am. CC Res. 1990-1, passed 12-6-90)

§ 33.39 BY-LAWS AND GUIDELINES.

The Economic Development Advisory Council may, as it deems necessary establish such rules, by- laws and guidelines as it may deem necessary and appropriate to carry out the responsibilities charged to it. The rules, by-laws and guidelines shall be subject to approval of the Board of Commissioners and the County Council.

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(BC Res. 1990-16, passed 12-3-90; Am. CC Res. 1990-1, passed 12-6-90)

§ 33.40 PURPOSES.

The Economic Development Advisory Council shall have as its primary purpose of advising the Board of Commissioners and the County Council in their efforts for improving the economic welfare of the county and shall have as specific purposes the following:

(A) The providing of overall advice in conceiving, development and implementing a program of diversified economic growth by recruiting prospective businesses and industries to locate in the county.

(B) The providing of advice to the Board of Commissioners and County Council in the promotion of retention of existing businesses and industries by establishing and maintaining contact that insure candid discussions and open communications to help in the early identification of problems and permit timely action toward resolution of said problems.

(C) By monitoring programs on an annual basis utilizing compiled and other statistical data and recommendations for the implementations of plans for appropriate modifications.

(D) To assure a high visibility for the county economic development actions and accomplishments through personal participation in local and area community, social and professional activities that effect or can effect the economic climate of the county.

(E) To work in conjunction with the county employees and specifically the County Director for Economic Development to accomplish the aforementioned general and specific objectives.

(F) To act as a screening entity to review applicants for the position of County Director for Economic Development and to make recommendations as to the three most qualified applicants for said position upon the request of the Board of Commissioners and County Council.

(G) To work with and assist, when requested, the Economic Development Authority in its endeavors.

(BC Res. 1990-16, passed 12-3-90; Am. CC Res. 1990-1, passed 12-6-90)

§ 33.41 TRAINING GRANT PROGRAM.

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(A) The county hereby approves and enacts a County Grant Training Program for the purpose of assisting with the recruitment of new industries and the expansion of existing ones and to further the hiring of county residents.

(B) The Training Grant Program shall be developed and implemented by the County Department of Economic Development within the parameters set forth.

(BC Ord. 2000-21, passed 9-13-00)

WARRICK COUNTY COURT HOUSE PRESERVATION COMMITTEE

§ 33.50 CREATION.

There is hereby created a County Court House Preservation Committee consisting of ten persons appointed by the Board of Commissioners.

(BC Res. 1991-2, passed 1-1-91, Am. Res. 1998-11, passed 8-24-98)

§ 33.51 PURPOSE.

The purpose of the County Court House Preservation Committee shall be to investigate the present county court house and to make recommendations to the Board of Commissioners regarding necessary improvements to the court house for the purpose of preserving the historical significance of said building and to provide adequate office space for county governmental offices.

(BC Res. 1991-2, passed 1-1-91)

§ 33.52 MEMBERS.

(A) The term of office for the members of the County Court House Preservation Committee shall be one year from the date of their appointment and until their successors are appointed and qualified.

(B) All members of the County Court House Preservation Committee shall be residents of Warrick County, Indiana.

(BC Res. 1991-2, passed 1-1-91)

SHERIFF'S MERIT BOARD

§ 33.60 MEMBERSHIP OF MERIT BOARD.

(A) The Board shall consist of five members. Three members shall be appointed by the Sheriff, and two members shall be elected by a majority vote of the members of the county police force under procedures established by the Sheriff's Merit Board.

(B) Appointments are for terms of four years or for the remainder of an unexpired term.

(C) All members serve during their respective terms and until their successors have been appointed and qualified.

(D) A member may be removed for cause duly adjudicated by declaratory judgment of the Circuit Court of the county.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.61 RESTRICTIONS ON MEMBERSHIP TO MERIT BOARD.

(A) No active county police officer may serve on the Board.

(B) Not more than two of the members appointed by the Sheriff nor more than one of the members elected by the officers may belong to the same political party.

(C) All members must reside in the county.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.62 COMPENSATION FOR MEMBERS OF MERIT BOARD.

As compensation for service, each member of the Board is entitled to receive from the county a minimum of \$15 per day for each day, or fraction of a day, that the member is engaged in transacting the business of the Board.

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(CC Ord. 2004-05, passed 9-2-04)

§ 33.63 POSITIONS HELD ON MERIT BOARD.

As soon as practicable after the members of the Board have been appointed, they shall meet upon the call of the Sheriff and organize by electing a President and a Secretary from among their membership.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.64 MEETING REQUIREMENTS OF MERIT BOARD.

(A) The Board shall hold regular monthly meetings throughout the year as is necessary to transact the business of the Sheriffs' Office.

(B) Three members of the Board constitute a quorum for the transaction of business.

(C) To comply with Indiana's Open Door Law, all meetings must be open to the public at all times for the purpose of permitting members of the public to observe and record them.

(1) A secret ballot vote may not be taken at meetings.

(2) However, a meeting conducted in compliance with I.C. 5-1.5-2-2.5 does not violate this section.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.65 PROMOTION OF RETIRING SHERIFF.

The Merit Board may develop its own reasonable procedures and qualifications to govern the promotion of a retiring Sheriff. The Merit Board is not required to follow the competitive testing procedures under I.C. 36-8-10-10 if the Merit Board has developed its own procedures.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.66 DISCIPLINARY PROCEDURES.

Charges against a county police officer must be made in writing and the Merit Board must conduct a fair public hearing before the Sheriff may dismiss, demote, or temporarily suspend a county police officer for cause.

(A) Written notice of the charges and hearing must be delivered by certified mail to the officer to be disciplined at least 14 days before the date set for the hearing.

(B) The officer may be represented by counsel.

(C) The Merit Board shall make specific findings of fact in writing to support its decision.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.67 EXCEPTIONS TO DISCIPLINARY PROCEEDINGS.

(A) The Sheriff may temporarily suspend an officer with or without pay for a period not exceeding 15 days, without a hearing before the Merit Board, after preferring charges of misconduct in writing delivered to the officer. The decision of the Sheriff is nonreviewable.

(B) An officer on probation may be dismissed by the Sheriff without a right to a hearing.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.68 APPEAL OF MERIT BOARD DECISION.

(A) An appeal under § 33.66 must be taken by filing in court, within 30 days after the date the decision is rendered, a verified complaint stating in a concise manner the general nature of the charges against the officer, the decision of the Board, and a demand for the relief asserted by the officer.

(1) A bond must also be filed that guarantees the appeal will be prosecuted to a final determination and that the plaintiff will pay all costs only if the court finds that the Board's decision should be affirmed. The bond must be approved as bonds for costs are approved in other cases.

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(2) The county must be named as the sole defendant and the plaintiff shall have a summons issued as in other cases against the county.

(3) Neither the Merit Board nor the members of it may be made parties defendant to the complaint, but all are bound by service upon the county and the judgment rendered by the court.

(B) All appeals shall be tried by the court. The appeal shall be heard de novo only upon any new issues related to the charges upon which the decision of the Merit Board was made.

(C) Within ten days after the service of summons, the board shall file in court a complete written transcript of all papers, entries, and other parts of the record relating to the particular case.

(D) Inspection of these documents by the person affected, or by the person's agent, must be permitted by the Merit Board before the appeal is filed, if requested.

(E) The court shall review the record and decision of the board on appeal.

(F) The court shall make specific findings and state the conclusions of law upon which its decision is made.

(1) If the court finds that the decision of the Merit Board appealed from should in all things be affirmed, its judgment should so state.

(2) If the court finds that the decision of the Merit Board appealed from should not be affirmed in all things, then the court shall make a general finding, setting out sufficient facts to show the nature of the proceeding and the court's decision on it.

(3) The court shall either:

(a) Reverse the decision of the Merit Board; or

(b) Order the decision of the Merit Board to be modified.

(G) The final judgment of the court may be appealed by either party. Upon the final disposition of the appeal by the courts, the Clerk shall certify and file a copy of the final judgment of the court to the Board, which shall conform its decisions and records to the order and judgment of the court.

(H) If the decision is reversed or modified, then the Merit Board shall pay to the party entitled to it any salary or wages withheld from the party pending the appeal and to which the party is entitled under the judgment of the court.

(I) Either party shall be allowed a change of venue from the court or a change of

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judge in the same manner as such changes are allowed in civil cases.

(J) The rules of trial procedure govern in all matters of procedure upon the appeal that are not otherwise provided for by this section.

(K) An appeal takes precedence over other pending litigation and shall be tried and determined by the court as soon as practical.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.69 SUBPOENA POWERS OF MERIT BOARD.

The Merit Board has subpoena powers enforceable by the circuit court for hearings under §§ 33.66 through 33.68.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.70 CONSIDERATION OF POLITICAL AFFILIATION PROHIBITED.

A county police officer may not be dismissed, demoted, or temporarily suspended because of political affiliation nor after the officer's probationary period, except as provided in this section. An officer may:

- (A) Be a candidate for elective office and serve in that office if elected;
- (B) Be appointed to an office and serve in that office if appointed; and
- (C) Except when in uniform or on duty, solicit votes or campaign funds for the officer or others.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.71 CLASSIFICATION OF RANKS FOR COUNTY POLICE OFFICERS.

(A) The Sheriff, with the approval of the Merit Board, shall establish a classification of ranks, grades, and positions for county police officers in the department. For each rank, grade, and position established, the Sheriff, with the approval of the Merit Board, shall:

- (1) Set reasonable standards of qualifications; and

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(2) Fix the prerequisites of:

- (a) Training;
- (b) Education; and
- (c) Experience.

(B) The Sheriff, with the approval of the Merit Board, shall devise and administer examinations designed to test applicants for the qualifications required for the respective ranks, grades, or positions.

(1) After these examinations, the Sheriff and the Merit Board shall jointly prepare a list naming only those applicants who, in the opinion of both the Sheriff and the merit board, best meet the prescribed standards and prerequisites.

(2) The Sheriff appoints county police officers but only from among the persons whose names appear on this list.

(3) All county police officers appointed to the office under this chapter are on probation for a period of one year from the date of appointment.

(C) However, the Sheriff does not need the Merit Board's approval to do the following:

(1) Establish a temporary administrative rank or position within the county police department; or

(2) Appoint a county police officer that has served as a county police officer for at least five years to and remove a county police officer from a temporary administrative rank or position. Any temporary administrative rank or position established pursuant to this section shall not diminish or reduce the number and classifications of the existing merit ranks within the county police department.

(a) A county police officer appointed under this subsection must have served as a county police officer in the county police department for at least five years before the appointment.

(b) A county police officer retains the rank, grade, or position awarded under division (B) while serving in a temporary administrative rank or position.

(c) This division may not be construed to limit, modify, annul, or otherwise affect a collective bargaining agreement.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.72 RULES AND REGULATIONS.

The Sheriff, with the approval of the Merit Board, shall establish written rules and regulations governing the discipline of county police officers. Rules and regulations established by a Sheriff under this subsection must conform to the disciplinary procedures required by § 33.66 [I.C. 36-8-10-11] of this chapter.

(CC Ord. 2004-05, passed 9-2-04)

§ 33.73 SHERIFF'S AUTHORITY.

The Sheriff shall have continuing authority to establish rules and regulations of the Sheriff's Office. The Sheriff shall also have continuing authority over supervision and management of all personnel and operations of the Sheriff's Office.

(CC Ord. 2004-05, passed 9-2-04)

DEPARTMENT OF STORMWATER MANAGEMENT

§ 33.80 ESTABLISHMENT.

(A) Indiana Code 8-1.5-5 *et seq.* concerning Stormwater Management Systems is hereby adopted by the County Commissioners, so as to make the Act and any and all amendments thereto effective and operative in the county.

(B) Pursuant to I.C. 8-1.5-5, a Department of Stormwater Management is hereby created.

(BC Ord. 2006-12, passed 7-26-06; Am. BC Ord. 2012-19, passed 5-29-12; Am. BC Ord. 2012-27, passed 8-27-12)

§ 33.81 COMPOSITION.

Pursuant to I.C. 8-1.5-5-4.5, the Board of Directors of the Department of Stormwater

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Management shall be the following four members: the three members of the County Executive and the County Surveyor.

(BC Ord. 2006-12, passed 7-26-06; Am. BC Ord. 2012-19, passed 5-29-12; Am. BC Ord. 2012-27, passed 8-27-12)

§ 33.82 TERMS OF OFFICE.

(A) The term of office of a member of the Board who is appointed from the membership of the County Executive is coextensive with the member's term of office on the County Executive.

(B) The term of the Surveyor or the Surveyor's designee as a member of the Board is coextensive with the Surveyor's term of office.

(BC Ord. 2006-12, passed 7-26-06; Am. BC Ord. 2012-19, passed 5-29-12; Am. BC Ord. 2012-27, passed 8-27-12)

§ 33.83 COMPENSATION.

Pursuant to I.C. 8-1.5-5-4.5(d), a member of the Board of Directors is not entitled to a salary or per diem for serving on the Board. However, a member shall be reimbursed for necessary expenses incurred by the member in the performance of their official duties.

(BC Ord. 2006-12, passed 7-26-06; Am. BC Ord. 2012-19, passed 5-29-12; Am. BC Ord. 2012-27, passed 8-27-12)

§ 33.84 UTILITY DISTRICT CREATED.

Pursuant to I.C. 8-1.5-5, there is hereby created a utility district which shall include all of the territory within the corporate boundaries of the county that is not located in a municipality.

(BC Ord. 2006-12, passed 7-26-06; Am. BC Ord. 2012-19, passed 5-29-12; Am. BC Ord. 2012-27, passed 8-27-12)

§ 33.85 FUNDING.

Funding for the Department of Stormwater Management's activities may include, but shall not be limited to, the following:

- (A) Stormwater user's fees.
- (B) Civil penalties and damage assessments imposed for or arising from the violation of the county's stormwater management ordinances.
- (C) Soil and erosion control plan permit fees.
- (D) Compliance inspection fees.
- (E) Taxes levied pursuant to I.C. 8-1.5-5 or other relevant authority.
- (F) Revenue bonds issued pursuant to I.C. 8-1.5-5.
- (G) Other funds or income obtained from federal, state, local, and/or private sources as provided by law or from grants, or revolving funds.

(BC Ord. 2006-12, passed 7-26-06; Am. SWM Ord. 2007-01, passed 8-29-07; Am. BC Ord. 2012-19, passed 5-29-12; Am. BC Ord. 2012-27, passed 8-27-12)

§ 33.86 FEES ESTABLISHED.

- (A) *Stormwater user's fee established.*
 - (1) There shall be imposed on each and every property in the county outside of a municipality, except exempt property, a stormwater user's fee, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this subchapter.
 - (2) Prior to establishing or amending user's fees, the county shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the county pursuant to I.C. 5-3-1.
- (B) *Soil and erosion control plan permit fee.*
 - (1) There shall be imposed on each and every property being developed in the town, a soil and erosion control plan permit fee, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this subchapter.

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(2) Prior to establishing or amending the soil and erosion control plan permit fee, the county shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the county pursuant to I.C. 5-3-1.

(C) *Compliance inspection fee.*

(1) There shall be imposed on each and every property in the county outside of a municipality, a compliance inspection fee, for inspections necessitated because of a violation of any provision of this subchapter, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this chapter.

(2) Prior to establishing or amending the compliance inspection fee, the county shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the county at least 30 days in advance of the meeting pursuant to I.C. 5-3-1.

(BC Ord. 2006-12, passed 7-26-06; Am. BC Ord. 2012-19, passed 5-29-12; Am. BC Ord. 2012-27, passed 8-27-12)

§ 33.87 BUDGET.

(A) The Stormwater Management Board shall prepare a budget for the operation of the Department on an annual basis. The budget shall set forth the estimated revenues and costs for operations and maintenance, extension and replacement, debt and other revenue and costs provided by law. The budget shall contain funds to maintain the Indiana Municipal Separate Storm Sewer System (MS4) – NPDES Permitting Program 327 IAC 15-13 and shall include but not limited to:

- (1) General administration;
- (2) Public education and outreach;
- (3) Public participation and involvement;
- (4) Illicit discharge detection and elimination;
- (5) Construction site runoff control;
- (6) Post-construction site runoff control;
- (7) Pollution prevention and good housekeeping; and
- (8) Tracking and monitoring stormwater quantity into the sanitary storm sewer system and into county legal drains.

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(B) The budget shall be subject to approval by the County Council and any issuance of bonds or other methods for making capital improvements shall be approved by the Stormwater Management Board and the County Council as provided by law.

(BC Ord. 2006-12, passed 7-26-06; Am. BC Ord. 2012-19, passed 5-29-12; Am. BC Ord. 2012-27, passed 8-27-12)

CHAPTER 34: ELECTIONS AND VOTING

Section

- 34.01 Board of Voter Registration
- 34.02 Precinct establishment
- 34.03 Local Advisory Council
- 34.04 Meal allowance for precinct election officers

§ 34.01 BOARD OF VOTER REGISTRATION.

(A) There is hereby created a County Board of Voter Registration.

(B) The Board shall be constituted and the members appointed thereto in accordance with the provisions of I.C. 3-7-12-1 *et seq.*

(C) The Board shall serve for terms as established by I.C. 3-7-12-10.

(D) The Board of Voter Registration shall have all of the powers and shall perform all of its duties as prescribed by Indiana law for such boards.

(BC Ord. 1985-10, passed 4-1-85)

§ 34.02 PRECINCT ESTABLISHMENT.

The precinct establishment order, adopted by BC Ord. 2001-18 in accordance with I.C. 3-11-1.5-2, is hereby adopted by reference and made a part of this code the same as if set forth in full herein. Copies of the ordinance are on file in the office of the County Clerk.

(BC Ord. 1995-13, passed 8-28-95; Am. BC Ord. 2001-18, passed 12-5-01)

§ 34.03 LOCAL ADVISORY COUNCIL.

There is hereby established, in compliance with the Help America Vote Act (HAVA), the Warrick County Local Advisory Council that includes at least two representatives of the disabilities community or elderly voters to provide assistance to the county in choosing polling places.

(BC Ord. 2005-18, passed 9-21-05)

§ 34.04 MEAL ALLOWANCE FOR PRECINCT ELECTION OFFICERS.

Precinct election officers are entitled to receive the sum of \$12 as a meal allowance and shall receive said sum in addition to, and along with, their compensation for their election day services.

(BC Ord. 2011-27, passed 10-24-11)

CHAPTER 35: EMERGENCY MANAGEMENT

Section

General Provisions

- 35.01 Purpose
- 35.02 Definitions
- 35.03 General scope and intent: liberal construction of powers
- 35.04 Limitations

Administration

- 35.15 County Emergency Management Advisory Council
- 35.16 Director of Emergency Management
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- 35.19 County Board of Commissioners: general administrative powers and duties.

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County Emergency Management Program

- 35.30 Applicability
- 35.31 Principal executive officer: declaration of local disaster emergency
- 35.32 County Board of Commissioners: convention of special emergency meeting
- 35.33 Principal executive officer: special emergency powers and duties
- 35.34 County Board of Commissioners: special emergency powers and duties
- 35.35 Designation of travel advisory
- 35.36 Officers and employees of incorporated and unincorporated areas of the county: general duties during emergency
- 35.37 Limitation of liability during disaster emergency or emergency management tests
- 35.38 Compensation for property commandeered or used during disaster emergency
- 35.39 Multi-Hazard Mitigation Plan

Enforcement and Penalty

- 35.97 Violations
- 35.98 Enforcement
- 35.99 Penalty

Cross-reference:

Adoption of Mass Fatalities Plan, see § 39.02

GENERAL PROVISIONS

§ 35.01 PURPOSE.

The purpose of this chapter is to establish in Warrick County a Department of Emergency Management, and to provide for the exercise of necessary powers during disaster emergencies.

(BC Ord. 2007-06, passed 6-20-07)

§ 35.02 DEFINITIONS.

As used in this chapter hereinafter the following words and terms have the meanings

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indicated.

ADVISORY COUNCIL. The Warrick County Emergency Management Advisory Council, as established under this chapter pursuant to I.C. 10-14-3-17.

BOARD. The Board of County Commissioners, as elected pursuant to I.C. 36-2-2.

CHAIRMAN. The Chairman of the Warrick County Emergency Management Advisory Council, as established under this chapter pursuant to I.C. 10-14-3-17.

COUNTY. Warrick County, Indiana.

DEPARTMENT. The County Department of Emergency Management, as established under this chapter pursuant to I.C. 10-14-3-17.

DIRECTOR. The County Emergency Management Director, as established and appointed pursuant to this chapter in accordance with I.C. 10-14-3-17.

DISASTER. Has the meaning established in I.C. 10-14-3-1, which at the time this chapter was adopted means:

- (1) An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural phenomenon or human act.
- (2) The term includes any of the following:
 - (a) Fire.
 - (b) Flood.
 - (c) Earthquake.
 - (d) Windstorm.
 - (e) Snowstorm.
 - (f) Ice storm.
 - (g) Tornado.
 - (h) Wave action.
 - (i) Oil spill.
 - (j) Other water contamination requiring emergency action to avert danger or damage.
 - (k) Air contamination.

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- (l) Drought.
- (m) Explosion.
- (n) Technological emergency.
- (o) Utility failure.
- (p) Critical shortages of essential fuels or energy.
- (q) Major transportation accident.
- (r) Hazardous material or chemical incident.
- (s) Radiological incident.
- (t) Nuclear incident.
- (u) Biological incident.
- (v) Epidemic.
- (w) Public health emergency.
- (x) Animal disease event requiring emergency action.
- (y) Blight.
- (z) Infestation.
- (aa) Riot.
- (bb) Hostile military or paramilitary action.
- (cc) Act of terrorism.
- (dd) Any other public calamity requiring emergency action.

EMERGENCY MANAGEMENT. Has the meaning established in I.C. 10-14-3-2, which at the time this chapter was adopted means the preparation for, and the coordination of, all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. These functions include the following:

- (1) Firefighting services.
- (2) Police services.

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- (3) Medical and health services.
- (4) Rescue.
- (5) Engineering.
- (6) Warning services.
- (7) Communications.
- (8) Radiological, chemical, and other special weapons defense.
- (9) Evacuation of persons from stricken areas.
- (10) Emergency welfare services.
- (11) Emergency transportation.
- (12) Plant protection.
- (13) Temporary restoration of public utility services.
- (14) Other functions related to civilian protection.
- (15) All other activities necessary or incidental to the preparation for, and coordination of, the functions described in divisions (1) through (14).

EMERGENCY MANAGEMENT VOLUNTEER. Any person who serves without compensation in the Department of Emergency Management, being first duly given the loyalty oath mandated by I.C. 10-14-3-27 and rostered and appointed by the Director, including persons and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services that request assistance.

PARTICIPATING EMERGENCY SERVICE.

- (1) Any county department or agency designated in the emergency operations plan to participate in emergency management activities; and
- (2) Any department or agency of the state, another county, a municipal corporation, or a volunteer organization designated to participate in the county's emergency management programs and activities pursuant to a cooperative and mutual aid agreement entered into pursuant to I.C. 10-14-3-17.

PERSONNEL. County officers and employees and emergency management volunteers, unless otherwise indicated.

PLAN or EMERGENCY PLAN. The current local comprehensive emergency

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management plan whose preparation and updating are mandated by I.C. 10-14-3-17(h).

IDHS. The Indiana Department of Homeland Security established under I.C. 10-19-2-1.

PRINCIPAL EXECUTIVE OFFICER. As referred to in I.C. 10-14-3-29(a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the Warrick County Board of Commissioners established under I.C. 36-2-2.

(1) If a quorum of the County Board of Commissioners (two of the three Commissioners as established under I.C. 36-2-4-3) is unavailable or is incapacitated, then the following establishes the line of succession for the principal executive officer:

(a) The regularly designated President of the Board of Commissioners. If a quorum of the Board of Commissioners is unavailable or incapacitated, then the regularly designated President of the Board of Commissioners shall serve as the principal executive officer for the purposes of this chapter until such time that a quorum of the Board of Commissioners is no longer unavailable or incapacitated.

(b) The Vice President of the Board of Commissioners. If both a quorum of the Board of Commissioners and the regularly designated President of the Board of Commissioners are unavailable or are incapacitated, then the Vice President of the Board of Commissioners shall serve as the principal executive officer for the purposes of this chapter until such time that either the regularly designated President or a quorum of the Board of Commissioners is no longer unavailable or incapacitated.

(c) The remaining Commissioner of the Board of Commissioners. If a quorum of the Board of Commissioners, the regularly designated President of the Board of County Commissioners, and the Vice President of the Board of Commissioners are all unavailable or are incapacitated, then the remaining Commissioner of the Board of Commissioners shall serve as the principal executive officer for the purposes of this chapter until such time that the Vice President, the regularly designated President, or a quorum of the Board of Commissioners is no longer unavailable or incapacitated.

(d) Director of Emergency Management. If all of the County Commissioners are unavailable or incapacitated, then the Director of Emergency Management shall serve as the principal executive officer for the purposes of this chapter until such time that a County Commissioner is no longer unavailable or incapacitated.

(e) Sheriff. If the all of the County Commissioners and the Director of Emergency Management are unavailable or incapacitated, then the County Sheriff shall serve as the principal executive officer for the purposes of this chapter until such time that a County Commissioner or the Director of Emergency Management is no longer unavailable or incapacitated.

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(f) President of the County Council. If the Sheriff is unavailable or incapacitated, then the President of the County Council shall serve as the principal executive officer for the purposes of this chapter until such time that a County Commissioner, the Director of Emergency Management, or the County Sheriff is no longer unavailable or incapacitated.

(g) Coroner. If the President of the County Council is unavailable or incapacitated, then the County Coroner shall serve as the principal executive officer for the purposes of this chapter until such time that a County Commissioner, the Director of Emergency Management, the Sheriff, or the President of the County Council is no longer unavailable or incapacitated.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07; Am. BC Ord. 2015-08, passed 3-23-15)

§ 35.03 GENERAL SCOPE AND INTENT: LIBERAL CONSTRUCTION OF POWERS.

The general intent of this chapter is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions. To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed to supplement and augment, not to limit, any other powers or reasonable exercise of discretion that may ordinarily pertain to county officers, employees, departments and agencies.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.04 LIMITATIONS.

(A) Nothing in this chapter is intended to supersede or delimit any statutory powers of the County Sheriff.

(B) Nothing in this chapter is intended to supersede or delimit the powers granted under I.C. 10-14-3-17 to any political subdivision, to adopt and implement emergency plans and promulgate and enforce emergency management rules and regulations in the advent of an actual emergency affecting such political subdivision. However, pursuant to I.C. 10-14-3-22, such regulations and procedures as promulgated by the political subdivision may not be inconsistent with the county emergency management program and emergency plan established in accordance with this chapter.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

ADMINISTRATION

§ 35.15 COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL.

(A) *Establishment and membership.* The County Emergency Management Advisory Council is established by I.C. 10-14-3-17(c), and under this statute consist of the following individuals or their designees.

(1) The President of the Board of County Commissioners or, if the Board of County Commissioners does not have a president, a member of the Board of County Commissioners appointed from its membership.

(2) The president of the county fiscal body.

(3) The mayor of each city located in the county.

(4) An individual representing the legislative bodies of all towns located within the county.

(5) One commander of a local civil air patrol unit in the county or the commander's designee.

(6) Representatives of such private and public agencies or organizations that can be of assistance to emergency management as the organizing group considers appropriate, or any may be added later by the County Emergency Management Advisory Council.

(B) *Power and duties.* The powers and duties of the County Emergency Management Advisory Council are established by the I.C. 10-14-3-17(d), and under this statute consist of the following:

(1) Exercise general supervision and control over the emergency management and disaster program of the county.

(2) Select, or cause to be selected, with the approval of the Board of County Commissioners, a County Emergency Management Director.

(a) The statute establishing the powers and duties of the Advisory Council does not describe the procedure to be used to terminate a County Emergency Management Director.

(b) However, the statute does not require the Advisory Council to select the Director and obtain the Board's approval for this selection before a Director can be

appointed.

(c) Therefore, the Advisory Council may make a determination to terminate a Director, but this determination is subject to the approval of the Board before the termination is final.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.16 DIRECTOR OF EMERGENCY MANAGEMENT.

(A) *General powers and duties.* Subject to the direction and control of the Advisory Council, the Director shall be executive head of the Department, and, pursuant to I.C. 10-14-3-17(d)(2)(A), has direct responsibility for the organization, administration and operation of the Department, including the following specific powers and duties:

(1) Pursuant to I.C. 10-14-3-17(d)((2)(B), the Director is responsible to the Chairman of the Advisory Council, and as such shall keep the Chairman fully informed on emergency management activities, and shall provide such reports to the Advisory Council if so directed by the Chairman of the Advisory Council.

(2) The Director shall keep the Board fully informed on emergency management activities.

(3) The Director shall submit to the Advisory Council and the County Commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year, and planned and recommended for the year to come.

(4) The Director shall ensure that all of the duties and responsibilities of the emergency management agency are completed.

(5) The Director shall ensure that all county employees and rostered volunteers with responsibilities as part of the comprehensive emergency management plan receive training in functions that they are to perform under the plan.

(6) The Director shall design and conduct exercises of the comprehensive emergency management plan, as required by the Indiana Department of Homeland Security.

(7) The Director shall ensure that the comprehensive emergency management plan addresses all hazards and includes all cities, towns and other population centers within the county.

(8) The Director shall submit to Indiana Department of Homeland Security

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the assessment specified in IDHS's required format and within IDHS's required time frame for submission.

(9) The Director shall provide to the Indiana Department of Homeland Security Executive Director annual reports and documentation as mandated.

(10) The Director shall competently manage the Department's various functions, including, among others, financial, personnel and logistic.

(11) The Director shall timely obey the directives of superior state authorities.

(12) The Director shall ensure that the activities of the Department at all times comport with I.C. 10-14-3 and other applicable statutes, rules and county ordinances.

(13) The Director shall develop an emergency operating center ("EOC") as a site from which key officials can direct and control operations during a disaster or emergency.

(14) The Director shall attain certification as a basic professional emergency manager from the Indiana Department of Homeland Security within two years of first assuming the position of Director; except that an individual appointed as a Director prior to January 1, 2005, shall attain this certification by no later than January 1, 2009. After the Director attains this certification, the Director shall complete the continuing emergency management education required by the Indiana Department of Homeland Security to maintain this certification.

(15) The Director shall ensure that the Deputy Director attains certification as a basic professional emergency manager from the Indiana Department of Homeland Security within four years of first assuming the position of Deputy Director. After the Deputy Director attains this certification, the Director shall ensure that the Deputy Director completes the continuing emergency management education required by the Indiana Department of Homeland Security to maintain this certification.

(16) The Director shall attend, and shall ensure that the Deputy Director and, all paid emergency management staff attend, emergency management training courses as needed to stay up-to-date on the latest advances in emergency management.

(17) The Director shall assume responsibility for public relations, information and education regarding all phases of emergency management.

(18) The Director shall assure coordination within the county of all activities for emergency management.

(19) The Director shall maintain liaison and coordinate with all other affected agencies, public and private.

(20) The Director shall coordinate the recruitment and training for volunteer

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personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.

(21) The Director shall seek, negotiate and enter into (with the approval or ratification of the County Commissioners and consistent with the state emergency operations plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties;

(22) The Director shall accept any offer of the federal government to provide for the use of the county services, equipment, supplies, materials or funds for emergency management purposes by way of gift, grant or loan, when the Governor has approved such offer.

(23) The Director shall seek and may accept, from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, licenses or privileges to use real estate or other premises, to the county for emergency management purposes.

(24) The Director shall issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

(25) Prior to accepting them as members of the Department, the Director shall ensure that all volunteers meet the criteria set forth in this chapter.

(26) As soon as an emergency or disaster declaration has been made, the Director shall make rapid and accurate assessment of:

- (a) Property damage;
- (b) Personal injuries;
- (c) Fatalities;
- (d) Basic needs; and
- (e) Special needs.

(27) In addition to the powers and duties expressly provided above, the Director shall be construed to have all powers and duties of a local emergency management director as provided under I.C. 10-14-3. In particular, but not by limitation, the Director, through the Department, may perform, or cause to be performed, with respect to the county, any function parallel or analogous to those performed on a statewide basis by IDHS under I.C. 10-14-3.

(28) The Director shall coordinate the activities of emergency management volunteers during emergency and non-emergency situations.

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(29) The Director shall coordinate and develop the necessary agreements with the state, other Indiana political subdivisions, political subdivisions in adjoining states, and private businesses, to ensure that the county will have access to the resources and personnel that may be needed during an emergency or disaster.

(30) The Director shall write grant proposals and/or assist with the writing of grant proposals to promote emergency management, public safety, and homeland security objectives.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.17 DEPARTMENT OF EMERGENCY MANAGEMENT.

(A) *Establishment and purpose.* There is hereby established a Department of Emergency Management within the executive branch of the county government for the purpose of utilizing, to the fullest extent possible, the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster as defined in this chapter. The Director of Emergency Management shall be responsible for its organizations, administration and operation.

(B) *Staffing.* The Department shall consist of the following:

(1) The Director of Emergency Management.

(2) A Deputy Director appointed by the Director with approval of the Advisory Council. The Deputy Director shall fulfill the duties of the Director in the absence or incapacity of the Director to serve; and assist the Director in the performance of the Director's duties.

(3) Emergency management volunteers, as deemed necessary and appointed by the Director. In addition to the other requirements in this section, the Director shall ensure that all volunteer personnel meet the following qualifications before being on the roster as a member of the Department:

(a) Be at least 18 years of age or older;

(b) Not be convicted of a felony; and

(c) Have a completed application form on file with the Department.

(4) The employees, equipment and facilities of all county departments and agencies suitable for, or adaptable to emergency management, and designated by the emergency

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plan to participate in emergency management activity.

(5) Staff officers with responsibility for Commissioners and warning, radiological, health and medical care, law enforcement, fire and search and rescue, public works and public information, in accordance with the comprehensive emergency management plan.

(6) Such assistants, clerical help, and other employees as deemed necessary and appointed by the Director in accordance with the comprehensive emergency management plan.

(C) *Grounds for disqualification.* Pursuant to I.C. 10-14-3-27(a), no person shall be employed or associated in any capacity in any emergency management organization established under this chapter who:

(1) Advocates a change by force or violence in the constitutional form of the government of the United States, or the overthrow of any government in the United States by force or violence; or

(2) Has been convicted of or is under indictment or information charging any subversive act against the United States.

(D) *Loyalty oath.* Pursuant to I.C. 10-14-3-27(b), each individual who is appointed to serve in an organization for emergency management shall, before entering upon the individual's duties, take a loyalty oath, in writing, before a person authorized to administer oaths in Indiana.

(1) The loyalty oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (of affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States, or of this state, by force or violence; and that during such time as I am a member of the County Department of Emergency Management I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States, or of this state, by force or violence."

(2) In accordance with I.C. 10-14-3-27(c), the Executive Director of the Indiana Department of Homeland Security and the County Emergency Management Director may administer this loyalty oath, and may delegate the authority to administer it to designated deputies and assistants approved by the Executive Director of the Indiana Department of

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Homeland Security.

(E) *Prohibited activities.* Pursuant to I.C. 10-14-3-26, the Department shall not:

- (1) Participate in any form of political activity; or
- (2) Be employed, directly or indirectly, for political purposes.

(F) *Authority of the County Council.*

(1) The County Council shall not have any power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the number of offices, deputies, and employees of county departments, classify positions, and adopt schedules of compensation pursuant to I.C. 36-2-5-3(a).

(2) Notwithstanding any other provision of this chapter, with the exception of the Director, a compensated position may not be established within the Department of Emergency Management, nor shall any person be appointed to such position, without authorization and sufficient funding from the County Council.

(G) *Duties.* Subject to the direction and control of the Director, the Department shall prepare and implement the comprehensive emergency management plan, including the following specific duties:

(1) Prepare and distribute to all appropriate officials a clear and complete written statement of the emergency responsibilities of all local agencies and officials, and the disaster chain of command in accordance with I.C. 10-14-3-17(i).

(2) Work closely with officers and employees of incorporated and unincorporated areas of the county to develop a hazard mitigation program to eliminate or reduce potential hazards.

(3) Write and implement the comprehensive emergency management plan, which shall conform to the guidelines contained in the most current state and federal guidance documents (the county cannot receive state and/or federal matching funds unless this is done), and the requirements established in this chapter. As part of the preparation of this plan, the Department shall:

- (a) Identify and analyze the effects of hazards that threaten the county.
- (b) Inventory manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency.
- (c) Establish a system to alert key officials in the event of a disaster or emergency.

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(d) Identify resource deficiencies and work with appropriate officials on measures to correct them.

(e) Develop and maintain an emergency communications system, thus assuring proper functioning of emergency communications throughout the county, including all cities and towns.

(f) Take all actions necessary to ensure the continuity of government procedures and systems in the event of a disaster.

(g) Establish and maintain a shelter and reception and care system for both people and animals.

(h) Develop a training program for emergency response personnel, ensuring that mitigation, training and exercising have been performed for all such personnel.

(i) Coordinate with industry to develop and maintain industrial emergency plans and capabilities in support of the comprehensive emergency management plan.

(4) Update the comprehensive emergency management plan as needed to keep it current, as required by I.C. 10-14-3-17(h).

(5) Develop a program to test and exercise the emergency plan.

(H) *Budget and finance.*

(1) The Advisory Council shall advise the Director in the preparation of the budget.

(2) The County Council shall appropriate such funds as it may deem necessary for the purpose of emergency management.

(3) All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.18 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

(A) *Formulation; content and adoption.*

(1) A county comprehensive emergency management plan, referred to as the interjurisdictional disaster emergency plan by I.C. 10-14-3-17(h), shall be adopted by resolution of the County Board of Commissioners. In the preparation of this plan as it pertains to county

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organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.

(2) The comprehensive emergency management plan shall include, at minimum, the following:

- (a) An administrative section that includes:
 - 1. Authorities and directive.
 - 2. Terms and definitions.
 - 3. Acronyms/abbreviations.
 - 4. Financial management.
- (b) A hazards specific section that includes:
 - 1. Unique hazards.
 - 2. Special events.
- (c) An operations section that includes:
 - 1. Coordination and control emergency support function.
 - 2. Communications and warning emergency support function.
 - 3. Public information emergency support function.
 - 4. Resource management emergency support function.
 - 5. Information and planning emergency support function.
- (d) An emergency services section that includes:
 - 1. Military emergency support function.
 - 2. Law enforcement emergency support function.
 - 3. Firefighting emergency support function.
 - 4. Transportation emergency support function.
 - 5. Health and medical emergency support function.
 - 6. Search and rescue emergency support function.
 - 7. Public works/engineering emergency support function.

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- (c) A consequent effects section that includes:
 - 1. Evacuation emergency support function.
 - 2. Shelter/mass care emergency support function.
 - 3. Damage assessment emergency support function.
 - 4. Hazardous materials emergency support function.
 - 5. Radiological protection emergency support function.
 - 6. Energy emergency support function.

(3) In addition, all emergency services within the county shall:

(a) Develop standard operating procedures, standard operating guides and checklists that are drafted subject to the requirements of the comprehensive emergency management plan;

(b) Coordinate standard operating procedures, standard operating guides and checklists with the Department of Emergency Management;

(c) Assure inclusion of the standard operating procedures, standard operating guides and checklists within the comprehensive emergency management plan;

(d) Perform the functions and duties assigned by the comprehensive emergency management plan; and

(e) Maintain their portion of the comprehensive emergency management plan in a current state of readiness at all times.

(B) *Jurisdiction.*

(1) Except as provided by § 35.04, the jurisdiction of the County Department of Emergency Management shall be comprehensive and inclusive countywide, and effective in both the incorporated and unincorporated areas of the county.

(2) The jurisdiction and applicability of the county comprehensive emergency management plan, as adopted pursuant to § 35.18(A), and the exercise of any powers of the principal executive officer of the county and of the County Board of Commissioners under §§ 35.30 et seq., shall be comprehensive and inclusive countywide and effective in both the incorporated and unincorporated areas of the county.

(3) All political subdivisions in the county shall:

(a) If they develop a plan for their political subdivisions:

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1. Ensure that the plan is consistent with the requirements of the county comprehensive emergency management plan;

2. Coordinate the development of the plan with the Department of Emergency Management; and

3. Ensure inclusion of the plan within the county comprehensive emergency management plan.

(b) Perform the functions and duties assigned by the county comprehensive emergency management plan.

(c) Maintain their portion of the comprehensive emergency management plan in a current state of readiness at all times.

(C) *Tests.*

(1) Tests of the comprehensive emergency management plan may be conducted at any time, with or without prior notification to persons other than the Director.

(2) All emergency tests conducted within the boundaries of the county shall be coordinated with the Department.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.19 COUNTY BOARD OF COMMISSIONERS: GENERAL ADMINISTRATIVE POWERS AND DUTIES.

In time of normal county operations, the powers and duties of the County Commissioners pertaining to emergency management shall be:

(A) Maintaining general supervision over the planning and administration for the Department;

(B) Adopting the comprehensive emergency management plan;

(C) Coordinating emergency management activities consistent with the comprehensive emergency management plan;

(D) Making assignments of county personnel to emergency management activities consistent with the comprehensive emergency management plan;

(E) Making assignments of county personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent

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with the comprehensive emergency management plan;

(F) Taking all necessary action in coordination with the Department to conduct tests of the comprehensive emergency management plan; and

(G) Educating themselves as to their responsibilities under the comprehensive emergency management plan.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

COUNTY EMERGENCY MANAGEMENT PROGRAM

§ 35.30 APPLICABILITY.

This subchapter (§§ 35.30 et seq.) shall apply whenever:

(A) Pursuant to I.C. 10-14-3-12, the Governor has declared a disaster emergency affecting all or part of the county.

(B) Pursuant to I.C. 10-14-3-29(a) and § 35.31 hereof, the principal executive officer of the county is preparing to declare, or has declared, a local disaster emergency affecting all or part of the county.

(C) The County Board of Commissioners has implemented a test of the county's comprehensive emergency management plan and procedures in accordance with, and to the extent necessary or dispensable to, such test.

(Ord. 2007-06, passed 6-20-07)

§ 35.31 PRINCIPAL EXECUTIVE OFFICER: DECLARATION OF LOCAL DISASTER EMERGENCY.

(A) In the event of an actual or threatened disaster emergency affecting the county, if feasible, the principal executive officer of the county shall seek the advice and input of the Director as to the advisability of declaring a local disaster emergency.

(B) If the County Board of Commissioners, acting as the principal executive officer of the county, is the entity declaring the local disaster emergency, then the statutory requirements contained in I.C. 36-2-2-8 and I.C. 5-14-1.5-5(d) regarding special and emergency meetings of

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the County Board of Commissioners must be met.

(C) In the event of an actual or threatened disaster emergency affecting the county, the principal executive officer of the county may declare a local disaster emergency, pursuant to I.C. 10-14-3-29(a). This declaration shall:

- (1) Be in writing.
- (2) State the nature of the disaster.
- (3) State the conditions that have brought about the disaster.
- (4) State the area or areas threatened.
- (5) State the area or areas to which the local disaster emergency declaration applies (this may include the entire county or only designated parts thereof).
- (6) State the effective period of the local disaster emergency declaration. The disaster declaration shall not be continued or renewed for a period in excess of seven days, except by or with the consent of the County Board of Commissioners.

(D) The declaration of a local disaster emergency, as well as any continuation or termination of such declaration, shall meet the following requirements.

- (1) The declaration shall be announced or disseminated to the general public by the best means.
- (2) News media that have requested notice of meetings must be given the same notice that is given to the members of the County Board of Commissioners.
- (3) The public must be notified of this meeting by posting a copy of the notice at the principal office of the County Board of Commissioners, or if no such office exists, at the building where the meeting is to be held.
- (4) The County Board of Commissioners may not conduct any business at this meeting that is unrelated to the disaster emergency declaration.
- (5) All other such requirements that are applicable to a meeting that is called to deal with an emergency.

(E) In addition, such a meeting may:

- (1) Be held in any convenient and available space.
- (2) Continue without adjournment for the duration of the disaster emergency.
- (3) Be recessed for reasonable periods of time as necessary and permitted by

the circumstances.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.32 COUNTY BOARD OF COMMISSIONERS: CONVENTION OF SPECIAL EMERGENCY MEETING.

(A) As allowed by I.C. 36-2-2-8 and I.C. 5-14-1.5-5(d), a special meeting of the County Board of Commissioners shall be called as soon as possible after the disaster emergency that affects the county has been declared, either by the Governor or by the principal officer of the county, to perform their legislative and administrative functions as the situation may demand.

(B) As required by I.C. 36-2-2-8(b) and I.C. 5-14-1.5-5(d), the following conditions must be met for this meeting.

(1) The notice for the meeting must include a specific statement of the purpose of the meeting.

(2) News media that have requested notice of meetings must be given the same notice that is given to the members of the County Board of Commissioners.

(3) The public must be notified of this meeting by posting a copy of the notice at the principal office of the County Board of Commissioners, or if no such office exists, at the building where the meeting is to be held.

(4) The County Board of Commissioners may not conduct any business at this meeting that is unrelated to the disaster emergency declaration.

(5) All other such requirements that are applicable to a meeting that is called to deal with an emergency.

(C) In addition, such a meeting may:

(1) Be held in any convenient and available place.

(2) Continue without adjournment for the duration of the disaster emergency.

(3) Be recessed for reasonable periods of time as necessary and permitted by the circumstances.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.33 PRINCIPAL EXECUTIVE OFFICER: SPECIAL EMERGENCY POWERS AND DUTIES.

(A) In the event that a disaster emergency has been declared that affects all or part of the county, and a quorum of the County Board of Commissioners cannot be assembled for purposes of the meeting needed under § 35.32, the principal executive officer of the county shall have, on an interim basis, all powers of the County Board of Commissioners, and may take all such actions with respect to the disaster emergency declaration that the County Board of Commissioners would have been authorized to take.

(B) When a quorum of the County Board of Commissioners is assembled, these interim powers of the principal executive officer of the county shall cease.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.34 COUNTY BOARD OF COMMISSIONERS: SPECIAL EMERGENCY POWERS AND DUTIES.

(A) At the meeting convened under § 35.32, the County Board of Commissioners may exercise any of its normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.

(B) In addition to the powers enumerated in division (A) above, the Board may also exercise any of the following special and extraordinary powers:

(1) Extending the period of a local disaster emergency declared by the principal executive officer of the county, pursuant to § 35.31, to last more than seven days if necessary.

(2) Terminating the local disaster emergency.

(3) Assembling and utilizing emergency management resources, including:

(a) Personnel of the Department of Emergency Management;

(b) Participating emergency services; and

(c) Any other resources at the disposal of the Commissioners hereunder for emergency management purposes.

(4) Ordering volunteer forces that have been activated pursuant to the

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comprehensive emergency management plan to the aid of the county, state or political subdivisions thereof as soon as practicable. These volunteer forces shall be under the direction of the Department of Emergency Management.

(5) In order to control the local disaster emergency and provide for public health, safety and welfare, to the extent permitted by I.C. 10-14-3-31 and subject to its provisions, commanding services and/or requisitioning the use of:

- (a) Equipment;
- (b) Facilities;
- (c) Supplies; or
- (d) Other property.

(6) Ordering the evacuation of all or part of the population from stricken areas of the county, and prescribing:

- (a) Routes;
- (b) Modes and transportation; and
- (c) Evacuation destinations.

(7) Making provision for the availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, and the like, which would govern the use and location of premises for housing purposes during normal times.

(C) Except in accordance with division (D) below, the County Board of Commissioners shall not suspend any provisions of ordinances or procedures that are mandated by statute.

(D) In the event of a disaster emergency that has been declared by the Governor, the County Board of Commissioners, in accordance with I.C. 10-14-3-17(j)(5), may waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, pertaining to the:

- (1) Performance of public works;
- (2) Entering into contract;
- (3) Incurring of obligations;
- (4) Employment of permanent and temporary workers;

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- (5) Utilization of volunteer works;
- (6) Rental of equipment;
- (7) Purchase and distribution of supplies, materials and facilities; and
- (8) Appropriation and expenditure of public funds.

(E) The County Board of Commissioners may assign any special emergency duties and functions to county:

- (1) Offices;
- (2) Departments; and
- (3) Agencies.

(F) Any unexpended and unencumbered monies budgeted and appropriated but not otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.

(G) Pursuant to I.C. 10-14-3-22, the County Board of Commissioners may make, amend and rescind such orders, rules and regulations as may be necessary for emergency management purposes, and to supplement the carrying out of the provisions of this chapter. Such orders, rules and regulations:

- (1) Cannot be inconsistent with any orders, rules or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by the Governor;
- (2) Cannot be inconsistent with the county's emergency management program or Emergency Plan;
- (3) Shall have full force or effect of law when filed in the office of the County Clerk;
- (4) Are enforceable by any local or state law enforcing authority in accordance with I.C. 10-14-3-24.

(H) In accordance with the emergency plan, the County Board of Commissioners may request the State of Indiana or the United States, or their agencies and political subdivisions, to send aid (including financial assistance) if the situation is beyond the control of the county's regular and emergency forces and resources.

(I) All actions taken by the County Board of Commissioners under this section shall be:

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- (1) Adopted by ordinance or resolution pursuant to I.C. 10-14-3-22;
 - (2) Consistent with, subordinate to, any actions, orders or regulations made by the Governor or a state agency implementing the state comprehensive emergency management plan.
- (BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.35 DESIGNATION OF TRAVEL ADVISORY.

(A) If the principal executive officer of a political subdivision issues a local travel advisory as part of an emergency declaration under I.C. 10-14-3-29, the principal executive officer shall designate the travel advisory as falling into one of the following categories:

(1) **ADVISORY**, the lowest level of local travel advisory, means that routine travel or activities may be restricted in areas because of a hazardous situation, and individuals should use caution or avoid those areas.

(2) **WATCH** means that conditions are threatening to the safety of the public. During a “watch” local travel advisory, only essential travel, such as to and from work or in emergency situations, is recommended, and emergency action plans should be implemented by businesses, schools, government agencies, and other organizations.

(3) **WARNING**, the highest level of local travel advisory, means that travel may be restricted to emergency management workers only.

(a) During a “warning” local travel advisory, individuals are directed to:

1. Refrain from all travel;
2. Comply with necessary emergency measures;
3. Cooperate with public officials and disaster services forces in executing emergency operations plans; and
4. Obey and comply with the lawful directions of properly identified officers.

(b) Further and more specific restrictions, including parking restrictions, may be included in a “warning” local travel advisory.

(B) If the emergency management agency director or the principal executive officer of a political subdivision determines that conditions within the political subdivision have created

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the need for travel advisory restrictions without a local disaster emergency declaration under I.C. 10-14-3-29, the emergency management agency director or the principal executive officer may issue an “advisory” or a “watch” level travel advisory.

(C) A “warning” level travel advisory may be issued only after a local disaster emergency is declared under I.C. 10-14-3-29.

(BC Ord. 2015-08, passed 3-23-15)

§ 35.36 OFFICERS AND EMPLOYEES OF INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY: GENERAL DUTIES DURING EMERGENCY.

During a declared disaster emergency, all officers and employees of incorporated and unincorporated areas of the county shall:

(A) Cooperate with and give active support to the County Board of Commissioners and the County Emergency Management Director.

(B) Comply with all orders, rules and regulations issued pursuant to this chapter by the County Board of Commissioners or the County Emergency Management Director.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.37 LIMITATION OF LIABILITY DURING DISASTER EMERGENCY OR EMERGENCY MANAGEMENT TESTS.

During an emergency management test or declared disaster emergency, the county, the county's assigned personnel, participating emergency services, and rostered emergency management volunteers shall be immune from liability to the full extent provided by I.C. 10-14-3 and any other applicable law.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.38 COMPENSATION FOR PROPERTY COMMANDEERED OR USED DURING DISASTER EMERGENCY.

(A) Pursuant to I.C. 10-14-3-31, compensation for property shall be paid only if the

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property was commandeered or otherwise used in coping with a disaster emergency, and its use or destruction was ordered by the Governor or a member of the disaster emergency forces of Indiana.

(B) Any person claiming compensation for the use, damage, loss or destruction of such property shall make a claim for it. This claim shall be filed and adjudicated as provided in I.C. 32-24.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.39 MULTI-HAZARD MITIGATION PLAN.

The County of Warrick does hereby adopt the Multi-Hazard Mitigation Plan for Warrick County.

(BC Res. 2009-3, passed 1-26-09)

ENFORCEMENT AND PENALTY

§ 35.97 VIOLATIONS.

Whenever this chapter applies it shall be unlawful and a penal ordinance violation for any person to:

(A) Willfully obstruct, hinder or delay the County Board of Commissioners, the Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing the emergency plan;

(B) Fail to observe, abide by, and comply with any emergency management duties, orders, regulations and procedures as made applicable to such person by the appropriate authorities; or

(C) Falsely wear or carry identification as a member of the County Department of Emergency Management, or to otherwise falsely identify or purport to be a county emergency management authority.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

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§ 35.98 ENFORCEMENT.

Any regular or reserve police officer of Indiana or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above in § 35.97.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

§ 35.99 PENALTY.

Any person who commits an offense as described above in § 35.97 shall be liable to a fine or \$2,500. However, such fine to be subject to the discretion of the court of jurisdiction.

(BC Ord. 1995-6, passed 2-22-95; Am. BC Ord. 2007-06, passed 6-20-07)

CHAPTER 36: TAXATION

Section

County Option Income Tax

- 36.01 Imposition of tax; tax rate

Economic Development Income Tax

- 36.10 Imposition of tax
36.11 Tax rate
36.12 Adoption of capital improvement plan

Hotel and Motel Taxes

- 36.20 Innkeepers' tax

Tax Phase-In Program

- 36.30 Application process
36.31 General standards and requirements
36.32 Tax deduction – real estate

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- 36.33 Tax deduction – manufacturing equipment
- 36.34 Tax deduction – new research and development equipment
- 36.35 Subsequent statements of benefits
- 36.36 Compliance with statement of benefits

Cross-reference:

Vehicle taxes, see §§ 71.01, 71.02

COUNTY OPTION INCOME TAX

§ 36.01 IMPOSITION OF TAX; TAX RATE.

(A) The County Income Council imposes the County Option Income Tax on the county taxpayers. The County Option Income Tax is imposed at a rate of 0.2% on the resident county taxpayers of the county and at a rate of 0.05% on all other county taxpayers. This tax takes effect on July 1 of 1986.

(B) The tax rate for subsequent years is as follows:

| | <i>Resident County Taxpayers</i> | <i>Other County Taxpayers</i> |
|--|----------------------------------|-------------------------------|
| 7-1-87 to 6-30-88 | 0.3% | 0.075% |
| 7-1-88 to 6-30-89 | 0.4% | 0.1% |
| 7-1-89 to 6-30-90 | 0.5% | 0.125% |
| 7-1-90 to 6-30-91 and subsequent years | 0.6% | 0.15% |

(CC Ord. 1986-1, passed 3-24-86)

ECONOMIC DEVELOPMENT INCOME TAX

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§ 36.10 IMPOSITION OF TAX.

The County Council imposes the County Economic Development Income Tax on the county taxpayers.

(CC Ord. 1989-2, passed 3-23-89)

§ 36.11 TAX RATE.

The County Economic Development Income Tax is imposed at a rate of 0.5% on the county taxpayers.

(CC Ord. 1989-2, passed 3-23-89; Am. CC Ord. 2000-1, passed 3-3-00)

§ 36.12 ADOPTION OF CAPITAL IMPROVEMENT PLAN.

The capital improvement plan adopted March 13, 1995, is hereby adopted by reference and made a part of this code the same as if set forth in full herein.

(BC Ord. passed 3-13-95; Am. BC Ord. 1995-14, passed 9-11-95; Am. BC Ord. 2002-01, passed 1-16-02; Am. BC Ord. 2002-11, passed 11-20-02; Am. BC Ord. 2004-14, passed 11-10-04; Am. BC Ord. 2005-19, passed 10-12-05; Am. BC Ord. 2008-01, passed 2-13-08; Am. BC Ord. 2008-09, passed 10-22-08)

HOTEL AND MOTEL TAXES

§ 36.20 INNKEEPERS' TAX.

(A) A tax in the amount of 5% on the gross retail income derived from lodging income only is hereby levied on every person engaged in the business of renting or furnishing for periods less than 30 days, any room or rooms, lodgings or accommodations in any of the categories set forth in I.C. 6-9-18-3. Provided, however, this tax shall not apply to any facility owned and operated by the county.

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(B) The tax is an addition to the state gross retail tax imposed under I.C. 6-2.5.

(C) The Innkeepers' Tax shall be reported on forms approved by the Treasurer and the tax shall be paid monthly to the Treasurer with the payment due not more than 20 days after the end of the month after the tax is collected.

(CC Ord. 1999-1, passed 11-4-99)

TAX PHASE-IN PROGRAM

§ 36.30 APPLICATION PROCESS.

A person seeking declaration of an area as an economic revitalization area shall file a statement of benefits (for redevelopment or rehabilitation of property, new manufacturing equipment and/or new research and development equipment) and an application with the Department of Economic Development on the form or forms which may be prescribed by the Department of Economic Development, County Council and/or the State Board of Tax Commissioners. The application must be filed with the Department of Economic Development (Department), prior to commencement of the project or the ordering of any equipment.

COMMENCEMENT OF THE PROJECT shall mean prior to the issuance of a building permit for real estate improvements. **ORDERING EQUIPMENT** shall mean issuance of the purchase order for equipment or other commitment to purchase or obtain the equipment by the applicant.

(A) *Submission requirements.* The application shall be submitted in a quantity as may be specified by the Department. For projects seeking tax phase-in for real estate improvements, a site plan shall also be submitted, which shows all buildings, parking areas, driveways, etc.

(B) *Resolution requirements.* The Department shall prepare the preliminary and confirming resolutions for each tax phase-in project. The resolutions shall include the information required by I.C. 6-1.1-12.1 *et seq.*, including the legal description or other suitable description of the property being designated as an economic revitalization area; the length of time during which the economic revitalization area designation shall be in effect (generally to include two complete tax years and ending on March 1); whether the designation is for real estate improvements, new manufacturing equipment or new research and development equipment; and the length of deduction.

(C) *Staff review.* The Department shall review each application for completeness and accuracy, gather and provide additional information needed by the County Council to make an appropriate decision, analyze the application and supplemental material and comment generally on the acceptability of the request for economic revitalization area declaration. The Department

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shall assess the impact of phase-in on the feasibility of the project. The Department shall score the application based on the applicable tax phase-in scoring established and attached as Exhibit A to Board of County Commissioners Resolution 2006-07. This score will be used only as a guide by County Council to determine a maximum allowable phase-in term. The Department and the County Council shall review the scoring system at least annually.

(D) *Recommendation of Economic Development Advisory Council.* Before an application and resolution is submitted to the County Council, the Department shall present application and scoring to the Economic Development Advisory Council for its review and recommendation.

(E) It is highly recommended that a representative for the project and/or legal counsel be present and prepared to speak about the proposed project at each County Council and Economic Development Advisory Council meetings where the request for tax phase-in for the project is on the agenda.

(CC Res. 2006-07, passed 5-4-06)

§ 36.31 GENERAL STANDARDS AND REQUIREMENTS.

(A) Declaration of an economic revitalization area will be considered for projects in the following categories:

- (1) Manufacturing;
- (2) Warehousing and distribution;
- (3) New research and/or high technology facilities;
- (4) Renovation of vacant manufacturing facilities;
- (5) Office buildings;
- (6) Recreational and commercial (retail) facilities as defined in I.C. 6-1.1-12.1-3(e) that are located in an economic development target area which have been designated by the Economic Development Commission and the County Council pursuant to I.C. 6-1.1-12.1-7;
- (7) New manufacturing equipment; and
- (8) New research and development equipment.

(B) An application for declaration as an economic revitalization area shall meet one or

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more of the following criteria:

(1) The property, or area, is undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development or use of property.

(2) A property or area which includes a facility or a group of facilities that are technologically, economically, or energy obsolete and where the obsolescence may lead to a decline in employment and tax revenues.

(C) An application shall also address at least one of the following development objectives:

- (1) Generate the use of vacant or underutilized land;
- (2) Rehabilitate or replace obsolete, deteriorated, vacant or underutilized buildings;
- (3) Retain or expand job opportunities; or
- (4) Preserve historically or architecturally significant properties.

(D) *Exclusions.* Certain areas of the county have been, or may in the future be, designated as "tax allocation areas" pursuant to I.C. 36-7-14-39, through the adoption of redevelopment plans with tax increment financing provisions. Areas within a tax allocation area shall not be considered for declaration as an economic revitalization area unless said tax phase-in is approved by a resolution of the County Redevelopment Commission. At the time of the adoption of this resolution, the following areas of the county were designated as tax allocation areas.

- (1) Epworth Road Economic Development Area; and
- (2) State Route 62 Economic Development Area.

(CC Res. 2006-07, passed 5-4-06)

§ 36.32 TAX DEDUCTION – REAL ESTATE.

(A) *Application.* Pursuant to I.C. 6-1.1-12.1-5, the owner of property which has been declared to be an economic revitalization area and who desires to obtain the tax deduction provided by I.C. 6-1.1-12.1-3 for "property" must file a certified deduction application, on forms prescribed by the State Board of Tax Commissioners, with the County Auditor before May 10

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(except as otherwise provided in I.C. 6-1.1-12.1-5(b) or (e)) of the year in which the addition to the assessed value is made.

(B) *Length of deduction.*

(1) For projects for which the statement of benefits was approved July 1, 2000, or after except as provided in I.C. 6-1.1-12.1-3(a), for redevelopment or rehabilitation is eligible for a deduction from the increase in assessed value for a period of one to ten years.

(2) For projects for which the statement of benefits was approved before July 1, 2000, for redevelopment or rehabilitation is eligible for a deduction from the increase in assessed value for periods of three, six, or ten years.

(CC Res. 2006-07, passed 5-4-06)

§ 36.33 TAX DEDUCTION – MANUFACTURING EQUIPMENT.

(A) *Application.* Pursuant to I.C. 6-1.1-12.1-5.5, the owner of property which has been declared to be an economic revitalization area and who desires to obtain the tax deduction provided by I.C. 6-1.1-12.1-4.5 for "new manufacturing equipment" must file a certified deduction application, on forms prescribed by the State Board of Tax Commissioners with the County Auditor and with the State Board of Tax Commissioners. A deduction application must be filed in the year in which the new manufacturing equipment is installed and in each of the following years for which abatement is sought.

(B) *Length of deduction.* For projects for which the statement of benefits was approved July 1, 2000, or after except as provided in I.C. 6-1.1-12.1-4.5(g), an owner of new manufacturing equipment is eligible for a deduction from the assessed value of that equipment for a period of one to ten years.

(CC Res. 2006-07, passed 5-4-06)

§ 36.34 TAX DEDUCTION – NEW RESEARCH AND DEVELOPMENT EQUIPMENT.

(A) *Application.* Pursuant to I.C. 6-1.1-12.1-5.5, the owner of property which has been declared to be an economic revitalization area and who desires to obtain the tax deduction provided by I.C. 6-1.1-12.1-4.5 for "new research and development equipment" must file a certified deduction application, on forms prescribed by the State Board of Tax Commissioners with the County Auditor and with the State Board of Tax Commissioners. A deduction application must be filed in the year in which the new research and development equipment is

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installed and in each of the following years for which phase-in is sought.

(B) *Length of deduction.* For projects for which the statement of benefits was approved July 1, 2000, or after except as provided in I.C. 6-1.1-12.1-4.5(g), an owner of new research and development equipment is eligible for a deduction from the assessed value of that equipment for a period of one to ten years.

(CC Res. 2006-07, passed 5-4-06)

§ 36.35 SUBSEQUENT STATEMENTS OF BENEFITS.

In the event that a business decides to initiate an additional investment which was not included in its tax phase-in application and is of the same type of investment (real estate improvements, new manufacturing equipment or research and development equipment) for which the economic revitalization area was designated and said designation is still in effect, the business shall submit a new statement of benefits form to the Department before initiating (as discussed in § 36.30) the additional investment. The Department shall prepare a resolution for County Council action to approve the subsequent statement of benefits.

(CC Res. 2006-07, passed 5-4-06)

§ 36.36 COMPLIANCE WITH STATEMENT OF BENEFITS.

(A) *Required submission.* Projects for which the statement of benefits was approved after June 30, 1991 are required by I.C. 6-1.1-12.1-5.1 and 5.6 to submit information showing the extent to which there have been reasonable efforts to substantially comply with the statement of benefits. Within 45 days from receipt of the information concerning compliance with a statement of benefits, the County Council may determine whether the property owner seeking tax phase-in has made reasonable efforts to substantially comply with the statement of benefits previously approved by the County Council.

(B) *Compliance review.* Upon receipt of Form CF-1 concerning compliance with a statement of benefits, the Department shall prepare a compliance review sheet comparing projected investment in real estate, new manufacturing equipment and/or new research and development equipment and job retention and/or creation on the statement of benefits with actual investment and employment information supplied concerning compliance with the statement of benefits. If it does not appear that the taxpayer made reasonable efforts to substantially comply with the statement of benefits, the Department shall contact the taxpayer to obtain additional information as to the reasons that the taxpayer did not substantially comply with statement of

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benefits, whether the taxpayer made reasonable efforts to substantially comply, and whether any failure to comply was caused by factors beyond the control of the taxpayer. The Department shall transmit the compliance review sheet to the County Council President.

(C) *County Council review.* The County Council is responsible for reviewing the compliance review sheets; making determinations as to whether a taxpayer has made reasonable efforts to substantially comply with its statement of benefits; and holding hearings for those taxpayers who do not appear to have made reasonable efforts to substantially comply with their statement of benefits. If the County Council determines that the taxpayer has not made reasonable efforts to substantially comply with the statement of benefits, it shall establish a date for a compliance hearing. It is highly recommended that a representative for the taxpayer and/or legal counsel be present and prepared to speak about the compliance at each County Council meeting or hearing where taxpayer's compliance is on the agenda.

(D) *Hearing notice.* For those projects for which the County Council has established a compliance hearing date, the Department shall prepare a written notice which shall be sent to the taxpayer by Certified Mail, return receipt requested, and if the project includes new manufacturing equipment or research and development equipment, to the State Board of Tax Commissioners. Said notice shall include the information required by I.C. 6-1.1-12.1-5.9.

(E) *Resolution to terminate deduction.* For those projects for which a compliance hearing is scheduled, the Department shall prepare and file a resolution to terminate deduction.

(F) *Compliance hearing.* On the scheduled hearing date the County Council shall conduct a compliance hearing to determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to comply was caused by factors beyond the control of the taxpayer.

(G) *County Council determination.*

(1) If the County Council determines that the taxpayer did not make reasonable efforts to substantially comply with the statement of benefits and that such failure to comply was not caused by factors beyond the control of the taxpayer, the County Council shall terminate the deduction.

(2) If the County Council determines that the taxpayer did make reasonable efforts to substantially comply with the statement of benefits or that failure to comply was caused by factors beyond control of the taxpayer, the County Council shall make a "Do Pass" not to terminate the deduction.

(H) *County Council action.* If the resolution to terminate the deduction is adopted by the County Council, the Department shall transmit copies of the resolution to the taxpayer, the County Auditor and, if the deduction was for new manufacturing equipment, to the State Board

of Tax Commissioners.

(CC Res. 2006-07, passed 5-4-06)

CHAPTER 37: FUNDS AND FEES

Section

Funds

- 37.01 Bridge Fund
- 37.02 County Corrections Fund
- 37.03 County Drug Free Community Fund
- 37.04 Sheriff's Department Enforcement Aid Fund
- 37.05 Solid Waste Disposal Fund
- 37.06 Building Construction, Rehabilitation, and Maintenance Fund
- 37.07 Parks and Recreation Non-Reverting Capital Fund
- 37.08 Parks and Recreation Non-Reverting Operating Fund
- 37.09 Sales Disclosure Fund
- 37.10 Commissioners Meeting Room Fund
- 37.11 Rainy Day Fund
- 37.12 Recorder's Enhanced Access Fund
- 37.13 Animal Control Charitable Fund
- 37.14 Welfare Bequest Fund

Miscellaneous Fees

- 37.35 Supplemental document recording fee
- 37.36 Service charge for insufficient funds checks
- 37.37 Real property endorsement fees
- 37.38 Vital records fees
- 37.39 Fees for accident reports
- 37.40 Fees for electronic map data
- 37.41 Additional felony and misdemeanor fees
- 37.42 Recorder's Office fees

Cross-reference:

Drug and Alcohol User Fee Fund, see § 37.21

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Sex and Violent Offender Administration Fund, see § 32.04

Stormwater Revenue Fund, see § 55.08

FUNDS

§ 37.01 BRIDGE FUND.

(A) There is established a cumulative Bridge Fund to provide funds for the cost of construction, maintenance and repair of bridges, approaches and grade separations. Additionally, said funds may be utilized for making county wide bridge inspection and safety ratings of all bridges in the county not on the state highway system.

(B) There is levied an additional tax of \$.10 on each \$100 of taxable real and personal property within the county to provide monies for the fund, the tax to be levied in 1993, payable in 1994, and annually thereafter for the next succeeding four consecutive years or until reduced or rescinded as provided by I.C. 8-16-3.

(BC Res. 1993-8, passed 6-28-93)

§ 37.02 COUNTY CORRECTIONS FUND.

(A) The Board of Commissioners, as the county legislative body, hereby elects to receive deposits from the Department of Corrections in accordance with Indiana Code.

(B) The Board of Commissioners hereby elects to receive such deposits at Level 3 funding.

(C) There is hereby created a County Corrections Fund to be administered by the Common Council. The funds shall consist of deposits received from the Department of Corrections in accordance with I.C. 11-12-6.

(D) The County Corrections Fund may be used only for funding the operation of county jail, jail programs, or other local correctional facilities. Any money remaining in a County Corrections Fund at the end of the year does not revert to any other fund, but remains in the County Corrections Fund.

(BC Ord. 1997-2, passed 1-27-97; Am. BC Ord. 2000-1, passed 1-10-00)

§ 37.03 COUNTY DRUG FREE COMMUNITY FUND.

(A) The office of the Prosecuting Attorney for the Second Judicial District, commonly known as the County Prosecutor's office qualifies hereunder as an agency.

(B) The County Prosecutor's office is hereby designated as the agency to which funds shall be allocated from the County Drug Free Community Fund on the following basis:

(1) Twenty-five percent to provide pre-vention, and education services in the county.

(2) Twenty-five percent to provide criminal justice services in the county.

(3) Twenty-five percent being the uncommitted funds, to be used for purposes accepted under the act.

(C) The designated Prosecuting Attorney's Office for the Second Judicial District, shall make application to the county Fiscal Body, being the County Council for the appropriation of the funds, that from time to time, are needed to carry out the designation herein.

(D) The designation in the ordinance herein specifically excludes designation of any agency to receive the 25% of the money in the funds to provide treatment.

(BC Ord. 1990-22, passed 7-23-90)

§ 37.04 SHERIFF'S DEPARTMENT ENFORCEMENT AID FUND.

(A) There is hereby created within the county a Sheriff's Department Enforcement Aid Fund.

(1) The fund shall consist of deposit in the form of cash assets obtained pursuant to forfeiture proceedings and other law enforcement related seizures recovered by the Sheriff's Department which are not required to be deposited into the County General Fund. No criminal defendant shall be given a reduced sentence as a result of the forfeiture of any assets.

(2) The fund shall also consist of any monies that may be appropriated from time to time by the County Council to be utilized by the Sheriff's Department, in its enforcement of the laws of the state.

(3) The fund shall also consist of any orders of restitution of "buy money" as might be expended by the Sheriff's Department in the enforcement of the narcotics and

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controlled substances laws of the state.

(B) Monies in the Sheriff's Department Enforcement Aid Fund shall be subject to appropriation in accordance with I.C. 36-2-5-2.

(C) It is the stated intent of the Board of Commissioners in creating this fund, that the Sheriff's Department shall have the right to utilize the funds contained within the Sheriff's Department Enforcement Aid Fund in the pursuit of all lawful law enforcement activities including but necessarily limited to the payment of money to informants; the utilization of funds to purchase controlled substances as a part of a law enforcement investigation; the payment of legitimate expenses incurred in confidential controlled substance investigation and similar type expenditures, and the purchase of enforcement and/or office equipment, or related expenses that will aid in the investigative process as deemed necessary by the Sheriff.

(D) Before utilization of funds in the confidential investigation purpose, the Sheriff's Department shall establish a standard operating procedure and policy for the accounting for said funds.

(E) This section shall be in full force and effect from and after its passage and compliance with I.C. 36-2-4-8.

(BC Ord. 1992-3, passed 1-27-92; Am. BC Ord. 2004-17, passed 12-15-04)

§ 37.05 SOLID WASTE DISPOSAL FUND.

(A) There is hereby created a Solid Waste Disposal Non-Reverting Capital Fund.

(B) The capital for such fund shall consist of the following:

(1) Deposits by the Board of Commissioners of the revenues of its facility that remain after the payment of expenses, in an amount determined the Common Council upon the recommendation of the Board of Commissioners; and

(2) Appropriations of money derived from user fees in an amount determined by the fiscal body.

(C) After an appropriation by the Common Council, the Board of Commissioners may use the capital in said fund for the following:

(1) Acquisition of property and other rights;

(2) Installation, construction, equipping, expanding, modifying, or remodeling new or existing facilities; or

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(3) Engineering, legal, surveying, estimating, appraising, planning, designing, and other expenses necessary to determine the feasibility of implementing solid waste disposal methods.

(BC Res. 1986-5, passed 6-13-86; Am. CC Ord. 1986-5, passed 7-10-86)

§ 37.06 BUILDING CONSTRUCTION, REHABILITATION, AND MAINTENANCE FUND.

(A) Immediately upon the reimbursement of the enhanced emergency telephone system funds into the County General Fund, an amount equivalent to said reimbursed funds shall be appropriated by the County Council into the budget item identified as the County Non-reverting Building Fund, and contained in the Commissioners' budget. Upon approval of said appropriation, the entire said amount shall immediately be transferred to a separate fund herein described and entitled Warrick County Building Construction, Rehabilitation and Maintenance Fund.

(B) Said funds shall without further appropriation be used solely for construction, rehabilitation, and/or maintenance of any and all county buildings as so designated and approved by the County Commissioners.

(C) Said funds shall be non-reverting, and shall remain from year to year in the County Building Construction, Rehabilitation and Maintenance Fund.

(BC Ord. 1998-13 passed, 10-13-98)

§ 37.07 PARKS AND RECREATION NON- REVERTING CAPITAL FUND.

(A) Now therefore be it ordained by the County Council that there is hereby established a special non-reverting capital fund within the County for the Department of Parks and Recreation. Said fund shall be funded by the proceeds from the sale of any real property owned by the County in the name of the Department of Parks and Recreation. Further, said fund shall be utilized exclusively for park purposes from which expenditures may be made by appropriation by the County Council. (BC Ord. 1998-5, passed 11-5-98)

§ 37.08 PARKS AND RECREATION NON- REVERTING OPERATING FUND.

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(A) Now therefore be it ordained by the County Council that there is hereby established a special non-reverting operating fund within the county for the Department of Parks and Recreation which said fund shall be utilized exclusively for park purposes from which expenditures may be made by appropriation by the Park Board. Funding for the non-reverting operating fund shall be from the proceeds of the sale of real property by the Park Board or from appropriations by the County Council. The balance of said fund shall not exceed the sum of \$100,000. Any appropriation for an expenditure in excess of \$10,000 shall require the approval of the County Council in addition to the Park Board.

(BC Ord. 1998-4, passed 11-5-98)

§ 37.09 SALES DISCLOSURE FUND.

(A) Effective from and after its passage and execution by the members of the County Council, this section shall establish a sales disclosure fund in accordance with I.C. 6-1.1-5.5-4.5.

(B) The County Auditor shall deposit the monies received under I.C. 6-1.1-5.5-4 into this fund.

(C) The disbursement of money from this fund shall be in accordance with and for the purposes identified in I.C. 6-1.1-5.5-4.5.

(CC Ord. 2002-01, passed 10-3-02)

§ 37.10 COMMISSIONERS MEETING ROOM FUND.

(A) There is hereby established a special non-reverting operating fund within the county for the Commissioners meeting room which said fund shall be utilized exclusively for purposes of renovating and maintaining the Commissioners' meeting room in the County Courthouse and from which expenditures may be made by an appropriation by the Board of Commissioners.

(B) Funding for the non-reverting operating fund shall be from donations from persons, including, but not limited to individuals, partnerships, corporations and the like, which are specifically designated for the purpose of renovating and/or maintaining the Commissioners' meeting room.

(BC Ord. 2002-5, passed 4-17-02)

§ 37.11 RAINY DAY FUND.

The County Council approves, ratifies and confirms the establishment of a Rainy Day Fund pursuant to I.C. 36-1-8-5.1 to be used for the purpose of granting additional appropriations for specific county purposes determined by the County Council. The funding for said Rainy Day Fund shall be all receipts from the State Budget Agency of any unused and unencumbered reserve balance of the County Economic Development Income Tax previously imposed by the county.

(CC Ord. 2003-02, passed 11-6-03; Am. CC Ord. 2004-01, passed 2-5-04)

§ 37.12 RECORDER'S ENHANCED ACCESS FUND.

(A) *Established.* Pursuant to I.C. 5-14-3-8.3, the County Council hereby establishes the County Office of the Recorder's Enhanced Access Fund ("Enhanced Access Fund").

(B) *Funding.* The Enhanced Access Fund shall consist of fees charged by the Recorder for providing enhanced access to a public record in accordance with I.C. 5-14-3-8(h) and (i), and shall be subject to the appropriation by the County Council.

(C) *Use of funds.* In accordance with Indiana Code 5-14-3-8.3(b) all funds collected in the Enhanced Access Fund shall be specifically dedicated to the following purposes:

- (1) The replacement, improvement and expansion of capital expenditures; and
- (2) The reimbursement of operating expenses incurred in providing enhanced access to public information.

(CC Ord. 2008-01, passed 5-1-08)

§ 37.13 ANIMAL CONTROL CHARITABLE FUND.

(A) *Creation of County Animal Control Charitable Fund.* County Animal Control is hereby authorized to create a new charitable fund ("Charitable Fund"), whereby monetary charitable donations made payable to "Warrick County Animal Control" shall be placed in the Charitable Fund. The purpose of this Charitable Fund is to provide residents of the county with the ability to make donations to the County Animal Control Department, to support and maintain

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its services which it provides to the residents of the county.

(B) *Duration.* The Charitable Fund shall be perpetual until terminated by another subsequent ordinance enacted by the Board of County Commissioners. In the event the Charitable Fund is terminated for any reason, then all proceeds from the terminated fund shall be distributed to the County Humane Society.

(BC Ord. 2014-10, passed 3-24-14)

§ 37.14 WELFARE BEQUEST FUND.

(A) The Welfare Bequest Fund is hereby established for Warrick County, an unrestricted fund with the Warrick County Community Foundation, to be funded with the unclaimed deposits with People's Bank and Trust of Boonville.

(B) The Fund shall be used to grant monies to benefit the general health, well-being and needs of county residents as deemed appropriate by the Warrick County Community Foundation.

(C) The President of the Board of Commissioners shall enter into a fund agreement with the Foundation for the establishment of the Fund.

(D) The County Treasurer and County Auditor are hereby authorized to take all steps necessary to transfer the monies and take any other necessary and reasonable steps to complete the intent and purposes of this section.

(BC Res. 2015-06, passed 3-9-16)

MISCELLANEOUS FEES

§ 37.35 SUPPLEMENTAL DOCUMENT RECORDING FEE.

(A) A supplemental fee for recording a document in the amount of \$3 per document shall be charged by the County Recorder's Office which shall be paid at the time of recording.

(B) The supplemental recording fee is in addition to all other recording fees required by law for services rendered by the County Recorder's Office.

(C) Pursuant to I.C. 36-2-7-10(c) the supplemental recording fee shall be placed in the

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Recorder's Records Perpetuation Fund, along with the fees collected per I.C. 36-2-7-10(b)(5), 36-2-7-10(b)(6), and 36-2-7-10(b)(9), to be used by the County Recorder without appropriation, for the preservation of records and the improvement of recordkeeping systems and equipment.

(D) The County Recorder shall post the fee set forth in this section in a prominent place within the Recorder's Office where the fee schedule is readily accessible to the public.

(BC Ord. 1995-18, passed 9-11-95)

§ 37.36 SERVICE CHARGE FOR INSUFFICIENT FUNDS CHECKS.

(A) For all checks payable to the county or one of its offices returned for insufficient funds the county shall charge an insufficient fund check charge in an amount not to exceed the greater of \$20 or 5% of the amount of any insufficient fund check, but in no event shall said service charge exceed the sum of \$250 for any one check.

(B) All insufficient fund check charges received by the county or one of its officers shall be deposited in the General Fund of the county.

(BC Ord. 1992-21, passed 8-3-92)

§ 37.37 REAL PROPERTY ENDORSEMENT FEES.

(A) The County Auditor is hereby authorized to collect a fee of \$5 for each real property endorsement made by the Auditor in accordance with Indiana law.

(B) The fee herein authorized shall be in addition to any other fee provided by law.

(C) The County Auditor shall place all revenues received in accordance with the fee herein authorized in a dedicated fund for use of maintaining the county plat books.

(BC Ord. 1989-15, passed 8-7-89; Am. BC Ord. 2006-19, passed 12-20-06)

§ 37.38 VITAL RECORDS FEES.

(A) *Birth record fees.* A fee of \$15 for the first certified copy of a birth record shall be required per order with all subsequent copies within the same order being \$10 per copy. All funds hereunder shall be collected by the Health Officer and shall become a part of the Warrick

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County Health Fund.

(B) *Death record fees.* A fee of \$15 for the first certified copy of a death record shall be required per order with all subsequent copies within the same order being \$10 per copy. The funds shall be collected by the Health Officer with the first \$2 of the funds received from each copy hereunder being deposited in accordance with I.C. 16-37-1-9(b) (coroners continuing education fees) and the balance of the funds collected by the Health Officer shall become a part of the Warrick County Health Fund.

(C) *Paternity affidavit fees.*

(1) A fee of \$10 shall be required for each certified copy of a requested paternity affidavit that does not involve its completion or execution at the Health Department.

(2) For each paternity affidavit completed or executed at the Health Department, a fee of \$50 shall be required. The fee of \$50 described in this division is separate and independent from the \$10 fee established in division (1) above.

(3) All funds assessed hereunder shall be collected by the Health Officer and shall become a part of the Warrick County Health Fund.

(D) *Computer generated reports.* A fee of \$1 per information page printed on the computer for genealogy purposes shall be required. All funds hereunder shall be collected by the Health Officer and shall become a part of the Warrick County Health Fund.

(BC Ord. 1991-14, passed 7-22-91; Am. BC Ord. 1997-13, passed 9-8-97; Am. BC Ord. 2005-04, passed 4-20-05; Am. BC Ord. 2010-09, passed 7-26-10; Am. BC Ord. 2013-19, passed 7-22-13)

§ 37.39 FEES FOR ACCIDENT REPORTS.

The office of the County Sheriff is authorized to institute a charge of \$5 for each request for a copy of an accident report pursuant to I.C. 9-29-11-1.

(CC Ord. 2006-1, passed 4-13-06)

§ 37.40 FEES FOR ELECTRONIC MAP DATA.

(A) *Title and definitions.*

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(1) This section and any parts herein shall be known as the Warrick County Electronic Map Ordinance.

(2) In accordance with I.C. 5-14-3-2, **PERSON** as used in this section is defined as an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity, and **ELECTRONIC MAP DATA** as used in this section is defined as copyrighted data created and provided by a public agency from an electronic geographic information system.

(B) *Fee schedule.*

(1) Pursuant to I.C. 5-14-3-8(j) the county may charge a fee, uniform to all persons, for providing electronic map data that is based upon a reasonable percentage of the county's direct cost of maintaining, upgrading and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the person(s).

(2) In the case where disclosable and nondisclosable electronic map data are combined, I.C. 5-14-3-6 provides that the county may charge a reasonable fee for the county's direct cost of computer programming to separate disclosable from nondisclosable electronic map data.

(3) It is hereby established by the County Commissioners and County Council that the initial fee schedule for the transmission of electronic map data is as set forth in an attached fee schedule that is incorporated by reference herein.

(4) If the county contracts with a third party contractor to handle the transmission of county electronic map data, the third party contractor shall receive two-thirds, and the county one-third of the fees charged the person for electronic map data. This fee schedule shall be reviewed on an annual basis and may be changed on an annual basis to reflect the change in the cost in providing the electronic map data.

(C) *Exceptions to fee schedule.*

(1) Pursuant to I.C. 5-14-3-8(k) any public agency, as defined by I.C. 5-14-3-2, located within the county or within adjacent counties that agrees to share with the county any electronic map information that that public agency might have, if any, that is of the same type as is being shared by the county, the county will agree to automatically approve a data sharing application with that public agency and waive that portion of the electronic map fee that would otherwise be retained by the county.

(2) Pursuant to I.C. 5-14-3-8(k) the county's retained portion of the electronic map fee shall be waived at the county's discretion if the use of the electronic map data will be used for a noncommercial purpose, including the following: public agencies that do not agree to share with county the same type of electronic map data being provided by the county, nonprofit

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activities, journalism, and/or academic research.

(D) *Third party contractor.*

(1) In accordance with I.C. 5-14-3-3.6, electronic map information may be provided to person(s) through the county's own computer gateway, or by agreement through a computer gateway of a third party contractor. Indiana Code 5-14-3-3.6(e) provides that a contract entered into under this section may require the payment of a reasonable fee to either the third party contractor, the county, or both.

(2) In accordance with I.C. 5-14-3-4, neither the county nor the third party contractor shall disclose electronic map data that is specifically excepted from disclosure requirements.

(E) *Payment.* Where the county is using its own computer gateway for the provision to person(s) of electronic map data, payment shall be made by the person(s) at the time of delivery. Where the county has entered into an agreement with a third party contractor to provide electronic map data through the third party contractor's computer gateway, the third party contractor shall handle the billing and invoicing of the fees charged and shall agree to send by U.S. mail that portion of the fee due the county to the county's Electronic Map Generation Fund within ten business days of the receipt of payment of fees to the third party contractor by the person(s) making the purchase.

(F) *Compliance with state statutes.* Nothing herein shall compel any office or their contracted third party contractor to charge a fee for copies if the fee imposed by this section is contrary to state law. In the event the fees in this section are contrary to any charges established by state statute, the state statute shall apply.

(G) *Use restrictions and notice.*

(1) Pursuant to the provisions of I.C. 5-14-3-3(e), no person, other than those authorized in writing by the Board of Commissioners, may use the electronic map data provided by the county for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by request to any other person for these purposes. This includes the repackaging or assimilation of electronic map data for a commercial purpose in paper or electronic media.

(2) A person who uses information in a manner contrary to this section or a rule or ordinance adopted under I.C. 5-14-3-3 may be prohibited by the county from obtaining any electronic map data.

(3) The following notice regarding data ownership, restrictions, and qualifications shall be provided to every person that receives a copy of the county's electronic

map data.

“Warrick County electronic map data is the property of Warrick County, Indiana. All electronic map data supplied by Warrick County has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The County does not guarantee the positional or thematic accuracy of the data. The cartographic digital file server is not a legal representation of any of the features depicted, and the County disclaims any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be and/or expressly excluded. The data represents an actual reproduction of data contained in the County's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. Therefore, the County cannot be held liable for errors or omissions in the data. The recipient's uses and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify Warrick County and its employees and officers. This indemnity covers reasonable attorney's fees and all court costs associated with the defense of Warrick County arising out of this disclaimer. The recipient may copy this data into computer memory or onto computer storage devices and prepare derivative works from it for the recipient's own use.

Pursuant to the provisions of Indiana Code 5-14-3-3(e), no person, other than those authorized in writing by the Board of Commissioners may use the electronic map data provided by the County for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by request to any other person for these purposes. A person who uses information in a manner contrary to a rule or ordinance adopted under Indiana Code 5-14-3-3(e) may be prohibited by the Board of Commissioners from obtaining any electronic map data.

Please refer to Warrick County Ordinance 200_ - ____ for any other restrictions on the use of electronic map data or penalties for the misuse electronic map data.”

(4) A copy of the language contained in this section shall be conspicuously posted in all offices where electronic map data is sold in the county, and shall be provided to any person(s) (as defined by I.C. 5-14-3-2) who desires to purchase electronic map data from the county.

(H) *Use violation penalty.*

(1) Any person(s) who violates the terms and conditions of this section by failing to pay for purchased electronic map data shall be liable for total fee charged for the electronic map data plus attorney's fees and the cost of collection.

(2) Any person(s) who violates the restrictions on the use of electronic map data as set forth in division (G) of this section shall be guilty of an infraction and may be fined by the county up to \$2,500, and each violation shall be deemed a separate offence. Also, in the

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event that there is an improper use of electronic map data as set forth in division (G) of this section or in violation of state or federal law, the county may prohibit the person(s) (as defined by I.C. 5-14-3-2) from obtaining any electronic map data and seek injunctive relief from any misuse of electronic map data by the person(s) who originally purchased the electronic map data or any other person(s) who has received a copy of the electronic map data.

(I) *Electronic Map Generation Fund.* Pursuant to I.C. 5-14-3-8.5, the County Council hereby establishes the Electronic Map Generation Fund. The Electronic Map Generation Fund shall consist of fees charged for providing electronic map data to person(s) in accordance with I.C. 5-14-3-8(j) and be subject to the appropriation by the County Council. In accordance with I.C. 5-14-3-8.5(b), all funds collected in the Electronic Map Generation Fund shall be specifically dedicated to the following purposes:

- (1) The maintenance, upgrading, and enhancement of the electronic map.
- (2) The reimbursement of expenses incurred by a public agency in supplying an electronic map in the form requested by the person(s).

(J) *Dispute resolution.* Any person who has a dispute, or seeks relief from the terms of this section may seek resolution of that dispute or relief from the Board of Commissioners.

(BC Ord. 2006-18, passed 1-4-07; CC Ord. 2007-1, passed 1-4-07)

§ 37.41 ADDITIONAL FELONY AND MISDEMEANOR FEES.

(A) The Board of Commissioners, pursuant to the Indiana Home Rule Act and other authority, now establishes a local fee of \$10, which shall be added as a part of the costs in all felony and misdemeanor cases in which a defendant is found guilty of one or more offenses EXCEPT in those cases in which a defendant has been found guilty of one or more offenses under I.C. 35-48-4 (Controlled Substances), I.C. 16-42-19 (Legend Drug Act), I.C. 9-30-5 (OVWI), I.C. 9-30-6-8.7 (violation of Ignition Interlock), and I.C. 7.1-5 (Alcoholic Beverages).

(B) The Board of Commissioners, pursuant to the Indiana Home Rule Act and other authority, now establishes a local fee of \$50, which shall be added as a part of the costs in all felony and misdemeanor cases in which a defendant is found guilty of one or more offenses under I.C. 35-48-4 (Controlled Substances), I.C. 16-42-19 (Legend Drug Act), I.C. 9-30-5 (OVWI), I.C. 9-30-6-8.7 (violation of Ignition Interlock), and I.C. 7.1-5 (Alcoholic Beverages).

(C) The Clerk of the Warrick Circuit and Superior Courts shall assess and collect the \$10 fee and the \$50 fee, in addition to other local and statutory fees, and shall deposit the fee in the Drug and Alcohol User Fee Fund (which at present, is Fund 379 in the County Auditor's

Office).

(BC Ord. 2011-18, passed 7-25-11)

Editor's note:

BC Ord. 2012-30, passed 9-19-12, suspends § 37.21 pending final determination of the validity of the same.

§ 37.42 RECORDER'S OFFICE FEES.

(A) For the purpose of this section, **DOCUMENT** or **DOCUMENTS** shall include, but not be limited to, any deed, ordinance, resolution, certificate of sale, easement vacations, grants of rights-of-way and easements under condemnation proceedings, street acceptances and vacations, sidewalk acknowledgments, surveyor's affidavits, address affidavits, hold harmless acknowledgments, and any other recordable instrument required to be recorded in the Office of the County Recorder from time to time by the county and any of its departments.

(B) The Office of the County Recorder shall exempt official offices of the county, including the Area Plan Commission, Redevelopment Commission, Board of Commissioners, County Council and any other department or office, from the payment of any fee for recording documents required by law, regulation, rule, or otherwise to be recorded.

(C) County offices and departments shall submit any documents for recording in full compliance with all recording requirements as may be expressed in the Indiana Code or corresponding regulations.

(BC Ord. 2014-23, passed 8-11-14)

CHAPTER 38: COUNTY CORRECTIONAL FACILITY

Section

38.01 Public employment of county inmates

38.02 Copayment requirements for certain medical services rendered to inmates

Cross-reference:

County Corrections Fund, see § 37.02

§ 38.01 PUBLIC EMPLOYMENT OF COUNTY INMATES.

(A) The Sheriff is directed to establish and maintain a program of public employment of county inmates pursuant to the provisions of I.C. 11-12-5-1 *et seq.*

(B) The Sheriff shall have the discretion and authority to administer said program of public employment of county jail inmates consistent with the above stated statute, as the Sheriff in his or her discretion deems appropriate.

(BC Ord. 1987-9, passed 6-1-87)

§ 38.02 COPAYMENT REQUIREMENTS FOR CERTAIN MEDICAL SERVICES RENDERED TO INMATES.

(A) This section does not apply to a person confined at the county correctional facility who:

(1) Has a policy of health insurance from a private company which policy covers, and provides payment for, medical care, dental care, eye care or other health related services;

(2) Is entitled to payment for health services by any state or federal program;
or

(3) Is committed to the United States Bureau of Prisons.

(B) (1) Except as provided in division (C) below, any person confined in the county correctional facility who is subject to this section shall make a copayment in the amount set out herein for each provision of any of the following medical services:

(a) Medical care;

(b) Dental care;

(c) Eye care; or

(d) Any other health related service.

(2) Copayments shall be deducted from the person's commissary or trust account.

(C) (1) Persons confined who are subject to this section shall not be required to

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make the copayment set out in division (B) if:

- (a) The person does not have funds in the person's commissary or trust account with which to make the payment at the time service is provided;
- (b) The person does not have funds in the person's commissary or trust account, with which to make the payment, within 30 days after the service is provided;
- (c) The service provided is an emergency service;
- (d) The service provided is as a result of an injury received while an inmate at the facility; or
- (e) The service is provided at the direction of the Sheriff or jail administrator or medical staff.

(2) If services are provided to a person who, within 30 days after the service is rendered, has a balance in such person's commissary or trust account, then such copayment fee shall be deducted from the commissary or trust account.

(D) The copayments required by division (B) are:

- (1) Doctor visit \$15
- (2) Dentist visit \$15
- (3) Optometrist visit \$15
- (4) Prescription Handling fee \$3
- (5) Other health care services \$5

(E) There is herewith created the Medical Care for Inmates Fund. Such fund shall be the fund into which all copayments required by this section shall be deposited. Such fund shall only be used for payment of inmate health related services provided by the county at the county's cost. The creation of this fund shall not be deemed to prevent payment of health related services for inmates in the county correctional facility by the county General Fund.

(BC Ord. 1994-16, passed 7-11-94; Am. BC Ord. 1999-35, passed 9-27-99; Am. BC Ord. 2004-03, passed 2-18-04)

CHAPTER 39: COUNTY POLICY

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Section

General Provisions

- 39.01 County motto
- 39.02 Mass fatalities plan
- 39.03 No smoking areas
- 39.04 Excessive force policy
- 39.05 Auditor to pay bills prior to approval of Board
- 39.06 Authorizing credit card and debit card transactions
- 39.07 Security of county facilities
- 39.08 Public records requests
- 39.09 Restricted access policy
- 39.10 Internal control standards

Judicial Center and Courthouse Square

- 39.15 Certain activities prohibited
- 39.16 Deadly weapons prohibited

- 39.99 Penalty

Cross-reference:

Leasing of real property, see Ch. 152

GENERAL PROVISIONS

§ 39.01 COUNTY MOTTO.

(A) *Text of county motto.* It is hereby established that the official motto of the county is “In God We Trust.”

(B) *Display of county motto.*

(1) The text “In God We Trust” shall be prominently displayed on the wall behind the Commissioners in the Board of Commissioners’ Meeting Room.

(2) The text “In God We Trust” is hereby encouraged to be publicly and prominently displayed in all county buildings.

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(BC Ord. 2014-31, passed 12-22-14)

§ 39.02 MASS FATALITIES PLAN.

The County Mass Fatalities Plan, adopted by BC Res. 1996-8, passed 10-28-96, is hereby adopted by reference and made a part of this code the same as if set forth in full herein.

(BC Res. 1996-8, passed 10-28-96)

§ 39.03 NO SMOKING AREAS.

(A) To protect the health and safety of county employees, patrons, visitors, the general public and pursuant to I.C. 7.1-5-12, the Commissioners have determined that smoking shall be prohibited in, and within 30 feet of any entrance to and exit from, any and all facilities owned, leased, operated or occupied by the County Board of Commissioners or any other county department, agency or office. Smoking shall also be prohibited on all county owned stairways, ramps and sidewalks providing access to the foregoing facilities.

(B) The public official in charge of each facility described in division (A) of this section shall post at each entrance "County Ordinance Prohibits Smoking within 30 Feet of this Entrance."

(C) Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

(D) A person who smokes in an area where smoking is prohibited by this section commits prohibited smoking, a Class B infraction. However, a person who smokes in an area where smoking is prohibited by this chapter commits prohibited smoking, a Class A infraction if the person has been adjudged to have committed at least three prior unrelated infractions under this section or I.C. 16-41-37-4 (before its repeal).

(E) The responsibility to enforce this policy lies with the elected officials, department heads, Commissioners, County Administrator and the County Sheriff and his or her deputies.

(BC Res. 1987-6, passed 9-18-87; Am. BC Ord. 1997-18, passed 12-1-97; Am. BC Ord. 2006-04, passed 4-12-06; Am. BC Ord. 2013-18, passed 6-24-13) Penalty, see § 39.99

§ 39.04 EXCESSIVE FORCE POLICY.

It is the policy of the county that no law enforcement agencies within the county may use excessive force against any individuals engaged in non-violent civil rights demonstrations, in accordance with Section 519 of Pub. L. 101-144 (the HUD Appropriation Act).

(BC Res. 1992-1, passed 1-6-92)

§ 39.05 AUDITOR TO PAY BILLS PRIOR TO APPROVAL OF BOARD.

(A) *Utility bills and credit card charges.*

(1) The County Auditor is directed to make payment of utility bills prior to due date upon informal approval by the Board of Commissioners.

(2) The County Auditor is directed to make payment of credit card charges prior to due date upon informal approval by the Board of Commissioners.

(3) Claims for utility bills and for credit card charges so paid shall be advertised in the same manner and at the same time as other claims for payment by the county.

(4) The County Board of Commissioners shall approve claims for payment of utility bills and credit card charges so paid at the same time and in the same manner as they approve payment of other claims.

(5) This section is adopted by virtue of I.C. 36-2-6-4.5 which specifically provides that a county executive may adopt an ordinance allowing money to be disbursed for lawful county purposes under this section and further provides that notwithstanding I.C. 5-11-10 with the prior written approval of the Board having jurisdiction over the allowance of claims, the county auditor may make claim payments in advance of Board allowance for certain kinds of expenses including, but not limited to utility payments or utility connection charges and expenses described in an ordinance provided that such expenses are supported by a fully itemized invoice or bill and certification by the County Auditor and further provided that the county executive or County Board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense and that such payment of expenses under this section must be published in the manner provided under I.C. 36-2-6-3.

(B) *Other expenses.*

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(1) The County Auditor is directed to make claim payments in advance of Board allowance for the following kinds of expenses:

- (a) Property or services purchased or leased from the United States government, its agencies or its political subdivisions.
- (b) Insurance premiums.
- (c) Utility payments or utility connection charges.
- (d) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- (e) Grant of state funds authorized by statute.
- (f) Lease or rental payments.
- (g) Bond and coupon payments.
- (h) Payroll.
- (i) State or federal taxes.
- (j) Expenses that must be paid because of emergency circumstances.
- (k) Expenses described in an ordinance.
- (l) Contract payments.

(2) Each payment of expense must be supported by a fully itemized invoice or bill and certification by the County Auditor.

(3) The County Executive or the County Board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense.

(4) A payment of expenses under this section must be published in the manner provided under I.C. 36-2-6-3.

(BC Ord. 2002-07, passed 8-7-02; Am. BC Ord. 2002-08, passed 8-7-02)

§ 39.06 AUTHORIZING CREDIT CARD AND DEBIT CARD TRANSACTIONS.

(A) The Sheriff of Warrick County is authorized to accept a credit card or debit card for any required payment to the Sheriff of Warrick County; and

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(B) The Sheriff of Warrick County is authorized and directed to charge and collect fees for the use of credit card or debit cards.

(CC Ord. 2009-02, passed 5-7-09; Am. CC Ord. 2009-02, passed 6-4-09)

§ 39.07 SECURITY OF COUNTY FACILITIES.

It is the policy of the county that all locks, entry and exit access, surveillance cameras or policies, and any or all other security measures in all county owned buildings or facilities, including building fixtures or other appurtenances within said buildings or facilities (“security measures”) shall be subject to the exclusive authority of the Board of Commissioners. Subject to any exemptions granted by the Board of Commissioners from time to time, any alterations, modifications, or changes to security measures must first receive the approval of the Board of Commissioners by forwarding a request to the County Administrator, who shall thereupon present said request for official action by the Board of Commissioners as soon as reasonably practical. In the case of an emergency, the security measure may be enacted with written consensus of a majority of the Board of Commissioners, but said security measure shall be submitted for formal action by the Board of Commissioners at its next regularly scheduled meeting. The County Administrator may establish administrative rules and procedures for the implementation of this section.

(BC Ord. 2015-03, passed 2-9-15)

§ 39.08 PUBLIC RECORDS REQUESTS.

(A) *Form and content of public records request.*

(1) All requests for inspection or copying of public records must be:

(a) In writing; and

(b) Identify with reasonable particularity the record(s) being requested.

(2) No request complying with the Indiana Access to Public Records Act may be denied for failure to state the purpose of the request.

(B) *Public records request.* Any person making a request that complies with the requirements of division (A) above may inspect and copy the public records during the regular business hours of the county. If the county maintains the requested record in an electronic storage data system, and the county is able to retrieve those records through reasonable efforts,

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then the county shall provide a copy of all disclosable data via disk or any other method of electronic retrieval.

(C) *Use of information for commercial purpose.*

(1) Notwithstanding the above, if any office holder, department or division of the county believes the request is for any kind of commercial purpose, then all such persons making requests for public records must first verify in writing that they will not use the information for commercial purposes, including a statement that the requesting party shall not sell, advertise or solicit the purchase of merchandise, goods or services, or sell, loan, give away or otherwise deliver the information obtained by the request to any other person for these purposes. The verification shall be in the form prescribed herein, and the office holder, department or division of the county is under no obligation to comply with the request for records until this verification has been received.

(2) Use of information in connection with the preparation or publication of news, for nonprofit activities, or for academic research shall not be considered as use for commercial purposes and does not require written verification.

(D) *Violations.* A person who uses information in a manner contrary to this section or the verification provided for herein shall be prohibited from obtaining a copy of the requested data or any additional or future data requests from the county.

(E) *Reasonable effort to provide public records.* The county shall make reasonable efforts to provide public records contained within an electronically stored data system to any person complying with the requirements of this section. For purposes of this section, **REASONABLE EFFORTS** shall be determined in the discretion of the office holder, department or division of the county in which the records are kept.

(F) *Form of verification.* The verification provided for in division (C) above shall be in the following form.

VERIFICATION OF NO COMMERCIAL PURPOSE

| | | |
|--------|-------|-----------------|
| To: | _____ | (Requesting |
| Party) | | |
| | _____ | (Address) |
| | _____ | |
| From: | _____ | (County Office) |
| | _____ | (Name) |

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(Title)

This office acknowledges receipt of your request pursuant to the Indiana Access to Public Records Act, I.C. 5-14-3 *et seq.*, for certain records to be provided in an electronic format. We have determined your request may be for commercial purposes. Before responding to your request, please date and sign the form below and submit to the office listed above.

I, _____, representing
_____, the requesting party, do hereby swear and affirm
that the information requested and to be provided to me shall not be sold, advertised, or solicited
for purposes of purchasing merchandise, goods or services by any party, nor will the information
be sold, loaned, given away or otherwise delivered in any manner to any other person for these
purposes. I furthermore acknowledge that any breach of this verification may result in the
requesting party being prohibited from any additional or future records requests from Warrick
County under Indiana law.

Signed: _____

Printed: _____

Dated: _____

(BC Ord. 2014-11, passed 4-14-14)

§ 39.09 RESTRICTED ACCESS POLICY.

The following policy is hereby implemented with respect to requests by covered individuals to restrict disclosure pursuant to I.C. 36-1-8.5.

(A) A request under I.C. 36-1-8.5 must be made in writing. The written request must include the following:

- (1) The individual's full name;
- (2) The individual's full address(es);
- (3) A statement that the individual is either a judge, law enforcement officer, or domestic violence victim as defined under I.C. 36-1-8.5; and
- (4) A statement that the individual is requesting pursuant to I.C. 36-1-8.5 that public access to the individual's home address(es) be restricted.

(B) Only written requests by judges, law enforcement officers, and victims of domestic violence as are defined in I.C. 36-1-8.5 shall be approved for restricted disclosure. The

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individual must provide verification that the individual is covered under I.C. 36-1-8.5 if requested by the County Administrator.

(C) The County Administrator shall prescribe a form to be filled out and signed by any requesting party, identifying those public access restrictions available and being requested. Any county office or department receiving an individual's request for public access restrictions shall refer them to the County Administrator. All requests must be processed through the County Administrator's office.

(D) Upon receipt of a written request, the County Administrator shall take all reasonably necessary steps to ensure the following steps are completed and the access is restricted as required under I.C. 36-1-8.5:

(1) The County Administrator shall take all reasonable steps necessary to restrict access on the county's GIS mapping website;

(2) The County Administrator shall contact the Treasurer's office, who shall take all reasonable steps necessary to restrict access on the Treasurer's "Public Property Data Base Web Site" as required by I.C. 36-1-8.5;

(3) The County Administrator shall contact the Assessor's office, who shall take all reasonable steps necessary to restrict access on the Assessor's "Public Property Data Base Web Site" as required by I.C. 36-1-8.5;

(4) The County Administrator shall contact the Recorder's office, who shall take all reasonable steps necessary to restrict access on the Recorder's "Public Property Data Base Web Site" as required by I.C. 36-1-8.5, including but not limited to the "Free Name Search"; and

(5) The County Administrator shall take any and all other reasonable and additional steps necessary to comply with the statute.

(E) This policy does not apply to searches performed on county-owned and operated public workstations located in county offices and departments that are directly connected to the applicable server and not searching via the internet.

(F) In the event the County Recorder, County Treasurer, County Auditor, or County Assessor has a reasonable belief that a covered person is no longer living at an address that receives restricted access, then in that event the County Administrator shall notify the covered person of its reasonable belief. The notification shall be made by telephone call, email, and regular mail. In the event the covered person fails to respond within 30 days of the County Administrator's notification, then the property listed in the covered person's request shall be removed from the restricted disclosures.

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(G) All covered persons whose home address is restricted from disclosure shall notify the County Auditor of a change of home address, termination from employment, or any change of circumstances that may disqualify them from being a covered person under I.C. 36-1-8.5-2.

(BC Res. 2015-04, passed 1-12-15; Am. BC Res. 2016-06, passed 6-3-16)

§ 39.10 INTERNAL CONTROL STANDARDS.

(A) The acceptable minimum level of internal control standards and procedures for internal control systems as established by I.C. 5-11-1-27(e), and as may be amended from time to time, are hereby adopted and shall be in full force and effect from and after its passage. The standards shall include control environment, risk assessment, control activities, information and communication, and monitoring to promote county accountability and transparency. All departments and officers shall establish and enforce procedures in compliance with the Indiana State Board of Accounts internal control standards.

(B) All personnel, as defined by I.C. 5-11-1-27, shall participate in the required training as developed by the Indiana State Board of Accounts.

(BC Ord. 2016-08, passed 5-9-16)

JUDICIAL CENTER AND COURTHOUSE SQUARE

§ 39.15 CERTAIN ACTIVITIES PROHIBITED.

That no skateboarding, rollerblading, bicycling or use of any other type of recreational wheeled object shall be allowed on or about the County Judicial Center premises, grounds, sidewalks, parking lots, or otherwise within the immediate vicinity of the Judicial Center as well as the premises known as the Courthouse Square and the grounds thereof.

(BC Ord. 2000-2, passed 2-28-00) Penalty, see § 39.99

§ 39.16 DEADLY WEAPONS PROHIBITED.

(A) Deadly weapons of any kind, as defined by I.C. 35-41-1-8, are prohibited from being carried or maintained within the premises of the County Judicial Center by anyone, with

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the exception of duly recognized law enforcement officials.

(B) Deadly weapons of any kind as defined by I.C. 35-41-1-8 are prohibited from being carried or maintained within the premises of the Courthouse Square by anyone with the exception of elected government officials who have been issued and carry a license under I.C. 35-47-2 and duly recognized law enforcement officials.

(C) Pursuant to I.C. 35-41-1-8, deadly weapon is hereby defined as follows:

(1) A loaded or unloaded firearm;

(2) A weapon, device, taser (as defined in I.C. 35-47-8-3) or electronic stun weapon (as defined in I.C. 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury; and

(3) An animal (as defined in I.C. 35-46-3-3) that is:

(a) Readily capable of causing serious bodily injury; and

(b) Used in the commission or attempted commission of a crime.

(BC Ord. 2000-3, passed 4-1-00; Am. BC Ord. 2002-02, passed 1-23-02) Penalty, see § 39.99

§ 39.99 PENALTY.

(A) Any person violating § 39.02 or § 39.16 shall be punished by a fine not to exceed \$500 for each violation.

(B) Any person violating § 39.15 shall be punished by a fine not to exceed \$250 for each violation.

(BC Res. 1987-6, passed 9-18-87; Am. BC Ord. 1997-18, passed 12-1-97; Am. BC Ord. 2000-2, passed 2-28-00; Am. BC Ord. 2000-3, passed 4-1-00; Am. BC Ord. 2002-02, passed 1-23-02)

CHAPTER 40: FIXED ASSET CAPITALIZATION POLICY

Section

40.01 Definitions

40.02 Land

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| | |
|-------|-----------------------------------|
| 40.03 | Machinery and equipment |
| 40.04 | Buildings |
| 40.05 | Improvements other than buildings |
| 40.06 | Recording and accounting |
| 40.07 | Safeguarding of assets |

§ 40.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAPITAL OUTLAYS. Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.

ENTERPRISE FUNDS. Those funds used to account for operations (a) that are financed and operated in a manner similar to private business enterprise, where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

FIXED ASSET. Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).

HISTORICAL COST. The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment, and most inventories are common examples of items recognized under the historical cost attribute.

IMPROVEMENTS OTHER THAN BUILDINGS. Improvements to land for better enjoyment, attached or not easily removed, and with a life expectancy of greater than two years. Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planter underground sprinkler systems, and other similar items. Improvements do not include roads, streets, or assets that are of value only to the public. For example, Vann Road is a public road with greatest value to the public. Roads or drives upon county-owned land

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that provide support to our facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon county-owned land for use by the public and for the support of our facility are capital assets.

MACHINERY AND EQUIPMENT. An apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure or building.

TANGIBLE ASSETS. Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.

(BC Ord. 1997-19, passed - -97)

§ 40.02 LAND.

(A) This county will capitalize all land purchases, regardless of cost. Exceptions to land capitalization are land purchased outright, as easements, or rights-of-way for infrastructure. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharfs, and storm water collection.

(B) Original cost of land will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or county workers [salary and benefits]), such as demolishing buildings, excavating, clean up, and/or inspection.

(C) A department will record donated land at fair market value on the date of transfer plus any associated costs.

(D) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(BC Ord. 1997-19, passed - -97)

§ 40.03 MACHINERY AND EQUIPMENT.

(A) This county will capitalize and tag items with an individual value equal to or greater than \$750. Machinery combined with other machinery to form one unit with a total value greater than the above mentioned limit will be one unit.

(B) Shipping charges, consultant fees, and any other cost directly associated with the purchase, delivery, or set up, (including contractors and/or county works [salary and benefits]),

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which makes such equipment operable for its intended purpose will be capitalized.

(C) Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:

- (1) Total cost exceeds \$750,
- (2) The useful life is extended two or more years, and
- (3) The total costs will be greater than the current book value and less than the fair market value.

Examples include:

- (1) A work truck being equipped with screens, lights, or radios for use as a single unit throughout its life expectancy is considered one unit.
- (2) If police cars are constantly changing light bars or radios to other vehicles, the county will capitalize each piece of equipment separately, if it meets the required dollar amount.
- (3) A department's computer (CPU, monitor, keyboard, and printer) is considered one unit.

(D) A department will record donated machinery and equipment at fair market value on the date of transfer with any associated costs.

(E) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(BC Ord. 1997-19, passed - -97)

§ 40.04 BUILDINGS.

(A) A department will capitalize buildings at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roofs, heating, cooling, plumbing, lighting, or sprinkler systems, or any part of the basic building. The department will include the cost of items designed or purchased exclusively for the building.

(B) A department's new building will be capitalized only if it meets the following conditions:

- (1) The total cost exceeds \$5,000, and

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(2) The useful life is greater than two years.

(C) A department improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

(1) The total cost exceeds \$5,000,

(2) The useful life is extended two or more years, and

(3) The total cost will be greater than the current book value and less than the fair market value.

(D) Capital building costs will include preparation of land for the building, architectural and engineering fees, bond issuance fees, interest cost (while under construction), accounting costs of material, and any costs directly attributable to the construction of a building.

(E) A department will record donated buildings at fair market value on the date of transfer with any associated costs.

(F) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(BC Ord. 1997-19, passed - -97)

§ 40.05 IMPROVEMENTS OTHER THAN BUILDINGS.

(A) This county will capitalize new improvements other than buildings only if it meets the following conditions:

(1) The total cost exceeds \$5,000, and

(2) The useful life is greater than two years.

(B) A department will capitalize improvements or renovations to existing improvements other than buildings only if the result meets the following conditions:

(1) The total cost exceeds \$5,000,

(2) The asset's useful life is extended two or more years, and

(3) The total cost will be greater than the current book value and less than the fair market value.

(C) A department's donated improvements other than buildings will be recorded at

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fair market value on the date of transfer with any associated costs.

(D) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(BC Ord. 1997-19, passed - -97)

§ 40.06 RECORDING AND ACCOUNTING.

(A) The county and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with generally accepted accounting principles. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the county and its departments, the valuation of assets shall be based on historical cost or where the historical cost is indeterminable, by estimation for those assets in existence.

(B) When an asset is purchased for cash, the acquisition is simply recorded as the amount of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

- (1) Assets acquired for a lump-sum purchase price;
- (2) Purchase on deferred payment contract;
- (3) Acquisition under capital lease;
- (4) Acquisition by exchange of nonmonetary assets;
- (5) Acquisition by issuance of securities;
- (6) Acquisition by self-construction;
- (7) Acquisition by donation or discovery.

Some of these arrangements present special problems relating to the cost to be recorded. For example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost. Reference to an intermediate accounting manual will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities, the valuation of assets shall be based on historical cost.

(C) In addition, an asset register (prescribed form 211) shall be maintained to provide a detailed record of the capital assets of the governmental unit.

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(BC Ord. 1997-19, passed - -97)

§ 40.07 SAFEGUARDING OF ASSETS.

Accounting controls shall be designed and implemented to provide reasonable assurances that:

(1) Capital expenditures made by the county, its various departments and possible future utilities be in accordance with management's authorization as documented in the minutes.

(2) Transactions of the possible future utilities be recorded as necessary to permit preparation of financial statements in conformity with generally accepted principles.

(3) Adequate detail records be maintained to assure accountability for county and possible future utility owned assets.

(4) Access to assets be permitted in accordance with management's authorization.

(5) The recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences.

(BC Ord. 1997-19, passed - -97)

APPENDIX A: FIXED ASSET NOTIFICATION FORM

DEPARTMENT: _____

THIS NOTIFICATION IS FOR: ADDITION UPDATE TRANSFER
DISPOSAL

ACQUISITION IS BY: PURCHASE DONATION LEASE
TRANSFER

(ATTACH COPY)

DATE OF TRANSACTION: _____

ACCOUNT NO. _____ P. O. NO. _____

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ESTIMATED: LIFE EXPECTANCY _____ MILEAGE OR HOURS _____

CIP NUMBER: _____ LOCATION: _____

SERIAL OR VIN NUMBER: _____

TOTAL/PARTIAL VALUE OF ASSET: _____

(PLEASE ATTACH OR FORWARD COPY OF CHECK(S) TO DOCUMENT COST.

IF DONATED FAIR MARKET VALUE, HOW DETERMINED, AND DATE BOARD APPROVED.)

DESCRIPTION:

(BUILDING DESCRIPTION MUST INCLUDE SQUARE FOOTAGE, BUILDING MATERIAL, ROOF TYPE, AND IF EQUIPPED WITH SPRINKLER SYSTEM OR BOILER.)

BRAND OR MAKE: _____ MODEL NO.: _____

YEAR: _____ LICENSE NO.: _____

ATTACH COPY OF REGISTRATION

GROSS VEHICLE WEIGHT: _____

TYPE OF FUEL:

TRUCKS ONLY

IF DISPOSED-METHOD:
JUNKED SCRAPPED

SOLD \$ _____ TRADED

STOLEN/WRECKED
TRANSFERRED TO: _____

END-OF-LEASE

(ATTACH POLICE REPORT)

DATE BOARD APPROVED: _____
APPROVED: _____

DATE COUNCIL

(ATTACH COPY OF MINUTES)
VALUE > \$9,999)

(REAL PROPERTY

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DATE MAYOR APPROVED: _____ SIGNATURE: _____

(REAL PROPERTY ONLY)

PERSON RESPONSIBLE: _____

SIGNATURE

PRINTED NAME

RESPONSIBLE DEPARTMENT HEAD'S SIGNATURE: _____

IF TRANSFERRED

RECEIVING PERSON'S SIGNATURE: _____

PRINTED NAME: _____

CLERK-TREASURER'S USE ONLY

RECEIVED: _____

ENTERED FIXED ASSET: _____

INSURED: _____

CLERK-TREASURER'S INITIAL: _____

TITLE V: PUBLIC WORKS

Chapter

- 50. SOLID WASTE
- 51. PERMITS TO WORK WITHIN COUNTY RIGHT-OF-WAY
- 52. STORMWATER MANAGEMENT
- 53. ILLICIT DISCHARGE AND CONNECTION
- 54. CONSTRUCTION SITE AND POST-CONSTRUCTION SITE
STORMWATER CONTROL
- 55. STORMWATER UTILITY RATES